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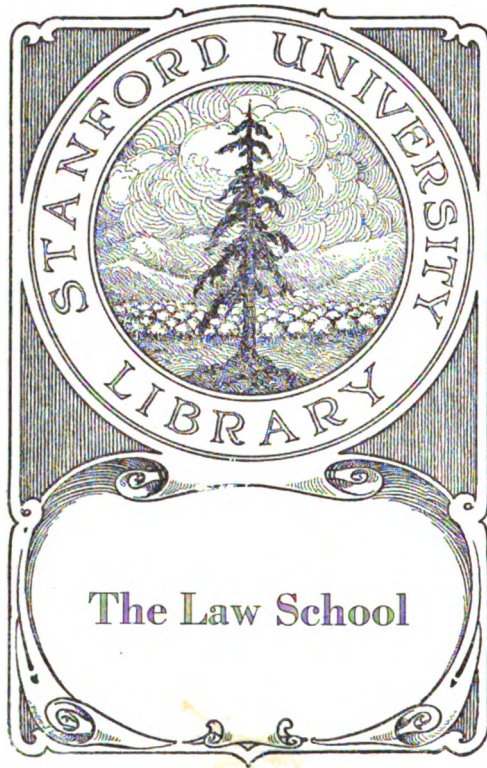
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Florida

REGULAR SESSION, 1907.

ACTS AND RESOLUTIONS

ADOPTED BY THE
LEGISLATURE
OF
FLORIDA

At Its Eleventh Regular Session (April 2 to May 31,
1907), Under the Constitution of A. D. 1885.



Together With an Appendix Containing a Statement of
Receipts and Expenditures for 1905-1906, as
Required by the Constitution.



PUBLISHED BY AUTHORITY OF LAW UNDER
DIRECTION OF THE ATTORNEY GENERAL.



1907
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L 5230

VIA SELL GROTTHATZ

OFFICE SECRETARY OF STATE }
STATE OF FLORIDA, }

I. H. Clay Crawford, Secretary of State, of the State of Florida, do hereby certify that the Acts and Resolutions contained in this volume have been compared with the original Enrolled Acts on file in this office, and that the same are correct and true copies. The apparent omissions of words and inaccuracies of language appear in the Enrolled Bills.

IN WITNESS WHEREOF, I hereunto set my hand
and affix the Great Seal of the State of
first day of September, A. D. 1907.

[L. s.] Florida, at Tallahassee, the Capital, this
first day of September, A. D. 1907.

H. CLAY CRAWFORD,
Secretary of State.

Members of the Legislature.

REGULAR SESSION, 1907.

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Superintendent of Public Instruction, W. M. Holloway, Tallahassee, Fla.

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L A W S

OF THE

STATE OF FLORIDA

ADOPTED BY THE

Legislature of Florida

AT ITS

REGULAR SESSION

1907

Under the Constitution, A. D., 1885.

L A W S

OF THE

STATE OF FLORIDA

CHAPTER 5596—(No. 1.)

AN ACT Relating to Tax Assessments and Collection of Revenue.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That all real and personal property in this State, and all personal property belonging to persons residing in this State, not hereby expressly exempted therefrom, shall be subject to taxation in the manner provided by law. Subjects of taxation.

Sec. 2. Real property, for the purpose of taxation, shall be construed to include lands and all buildings, fixtures and other improvements thereon, and the terms land and real estate, when used in this chapter, shall be construed as having the same meaning as the term real property. Real property defined.

Sec. 3. The terms personal property and personal estate, as used in this chapter, shall have the same meaning and shall, for the purpose of taxation, be construed to include all goods and chattels, moneys and effects, all boats and vessels, all debts due or to become due from solvent debtors, whether on account, contract, note or otherwise, all public stocks or shares in all incorporated or unincorporated companies. All real and personal property shall be subject to taxation on the first day of January of each year, and this act shall create a lien upon such property for the purposes thereof superior to all others, which lien in addition to the provisions of this act for the collection of taxes on personal property may be enforced by suit in equity. Personal property defined.

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Exemptions
from taxa-
tion.

Sec. 4. The following property shall be exempt from taxation: First, All property, real and personal, of the United States, and of this State.

Second, All public property of the several counties, cities, villages, towns and school districts in this State, used or intended for public purposes, including both real and personal property of all fire, hose and hook and ladder companies, except lands sold for taxes for the use of any counties, cities, villages, towns or school districts.

Third, Such property of educational, literary, benevolent, charitable and scientific institutions within this State as shall be actually occupied and used by them solely for the purpose for which they have been or may be organized, but property of such institutions which is rented wholly or in part and the rents, issues and profits only used by such institutions shall not be exempt from taxation, nor shall any property held by them as an investment or for speculation be exempt from taxation. Provided, That this section shall not be construed to apply to the lower stories of charitable or benevolent institutions, necessarily using the upper stories of their lodge rooms and who rent the ground floor of such buildings, using said rents, issues and profits for the benefit of such charitable and benevolent purposes, or to the ground floor of public libraries, the rents, issues and profits of said ground floor being used for the benefit of said libraries.

Fourth, All houses of public worship and the lots on which they are situated, and all pews or steps and furniture therein, every parsonage and all burying grounds not owned or held by individuals or corporations for speculative purposes, tombs and right of burial; but any building being a house of worship which shall be rented or hired for any other purpose except for schools or places of worship shall be taxed the same as any other property.

Fifth, All public libraries and real and personal property belonging to and connected with the same, consisting of the library itself and all real and personal property held for the actual use and occupation of such library only, and not for rent, profit or speculation.

Sixth, All property, real and personal, held by and belonging to any agricultural society in this State, and used exclusively for the meetings or exhibitions of such

society, which now is or may hereafter be lawfully organized in pursuance of law.

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Seventh, There shall be exempt from taxation property to the value of two hundred dollars in the county in which she resides, to every widow dependent upon her own exertions, and to every person who has lost a limb or been disabled in war or by misfortune, and dependent upon their own exertions to that extent that disqualifies him or her from the performance of manual labor.

Sec. 5. The term money or moneys, whenever used in this act, shall be held to mean gold and silver coin, United States Treasury and bank notes, legal tender and all other forms of currency and every deposit which any person owning the same or holding in trust and residing in this State is entitled to withdraw in money on demand.

Definitions.

The term credits when used in this act shall be held to mean and include every claim and demand for money or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due.

Credits.

The term parcel of real property and parcel of land, whenever used in this act, shall each be held to mean the quantity of land in the possession of, owned by or recorded as the property of the same claimants, persons or company.

Parcel of land.

Every word importing the singular number only may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number, and every word importing the masculine gender only may be extended to and applied to females as well as males. Whenever the word oath is used in this act it may be held to mean affirmation, and the word swear in this act shall be held to include affirm.

Singular and plural.

Sec. 6. All the lands shall be assessed in the county, town or city in which the same shall be, and the real estate of incorporated companies liable to taxation shall be assessed in the city, county or town in which same shall be in the same manner as real estate of individuals and may be returned and sold in the same manner as property owned by individuals and shall be assessed at their full cash value.

Land, where and how assessed.

Sec. 7. All property held by any religious society shall be assessed, and taxed, in the county where the property is situated, unless exempt by law.

Property of religious society.

1907.

Taxation of
stock.Shares in
banks.

Sec. 8. The owner or holder of stock in any incorporated company doing business under corporate name shall not be taxed for such stock; Provided, That such stock is returned for taxation by such incorporated company and taxes are paid thereon by such company, or the property of said corporation is assessed for taxes where located and taxes are then paid on such property. All shares of banking associations organized within this State, pursuant to the provisions of Congress to procure a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, held by any person or body corporate, shall be included in the valuation of the personal property of such person or body corporate, in the assessment of taxes in the town or city where such banking association is located and not elsewhere, whether the holder resides there or not; but not at a greater rate than is assessed on other moneyed capital in the hands of individuals; and for the purpose of securing the collection of taxes assessed upon said shares, each banking association shall pay the same as the agent of each of its shareholders, and the said association may retain so much of any dividend belonging to any shareholder as shall be necessary to pay any taxes levied upon its shares.

Returns of
banking,
loan and
trust compa-
nies.

Sec. 9. Any banking, loan or trust company or corporation or any person acting as the agent of another, and having in his possession or under his control, or management, any money, notes, credits or personal property belonging to such other person, with a view to investing or loaning or in any other manner using the same for pecuniary profits, shall be required to return the same for assessment at the real value, and such company, corporation or person shall be liable for the tax on the same; and if such company, corporation or person refuse to list such property on a return for assessment or to swear to the same, the amount of such money, notes, mortgages or credits shall be listed and valued according to the best knowledge of the Assessor.

Returns of
steamboats,
dredge
boats,
sailing ves-
sels, wharf
boats, etc.

Sec. 10. That all persons, companies and corporations owning steamboats, dredge boats, sailing vessels, wharf boats, barges and other water craft shall be required to list the same for assessment and taxation in the county in which the same may belong or be enrolled, registered or licensed; any person, company, or corporation violating

the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than twenty-five dollars nor more than one hundred dollars.

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Penalty for failure to return.

Sec. 11. A poll tax of one dollar shall be levied upon each male person over the age of twenty-one years and under the age of fifty-five years, who has resided in this State more than one year, except such as have lost a limb, which tax shall be paid into the county school fund and shall be collected when taxes on property is collected. The Tax Collector shall on first day of each month make out a statement giving the names of the parties who have paid their poll taxes and present the same, sworn to by said Tax Collector, to the County Commissioners at their regular meeting, and present the receipt of the County Treasurer for the same.

Poll tax.

Duty of Tax Collector.

He shall also exhibit the stubs in his poll tax receipt book, numbered consecutively for their inspection, and the Board of County Commissioners are hereby required to verify the same and the clerks shall make an entry of the facts in the proceedings.

Sec. 12. Between the first day of January and the first day of July in each year, the County Assessor of Taxes in each county, with the aid of such Assistant Assessor of Taxes as may be nominated by the County Assessor of Taxes and appointed by the County Commissioners, shall ascertain by diligent inquiry the names of all taxable persons in his county, and also all of their taxable personal property, and all taxable real estate therein, on the first day of January of such year, and shall make out an assessment roll of all such taxable property. And the County Assessor of Taxes or his Assistant shall make at least one visit to each precinct for the purpose of receiving tax returns after having given ten days' notice by publication in a newspaper, if there be a newspaper published in the county, of such visit, between the first day of January and the first day of March. Tax returns by owners or agents must be made between the first day of January and the first day of April.

Duty of Assessor.

Must visit precincts.

Notice to property owners.

The assessment of personal property shall be made separate from the assessment of real estate, but personal property shall be responsible for the taxes on real estate, and real estate shall be responsible for the taxes on personal property, and both shall be responsible for a poll tax.

All property liable for any unpaid taxes.

1907.

Manner of
assessment.

Sec. 13. The County Assessor of Taxes shall set down in the assessment roll in separate columns to the best information he can obtain: 1st. The name of the person subject to poll tax, or owning personal property in the county and the number of his district.

2nd. The number of neat and stock cattle, whether within the county or not; Provided, When any person has any live stock grazing upon lands in any other county or counties than that in which he resides he shall report the same separately to the County Assessor of Taxes in the county in which he resides under oath, and it is hereby made the duty of such County Assessor of Taxes to transmit such oath and list to the County Assessor of Taxes in the county in which such stock is grazing, who shall assess the same; Provided, That this shall not relieve the County Assessor of Taxes from obtaining from the best means at his command the stock grazing within their county and the owners thereof.

3rd. The number of horses, asses and mules.

4th. The number of sheep and goats.

5th. The number of swine.

6th. The number of miles of tram road and the number of tram engines.

7th. The value of all household and kitchen furniture, books, watches, silverware, moneys in possession or at interest or capital invested in trade, including notes, mortgages, except given for the purchase money and accounts.

8th. The full cash value of the personal property owned by or to be taxed to such persons as provided by law.

Duty of As-
sessor.

The County Assessor of Taxes shall give to each person or his agent, at the time of assessing his property, one exact copy or duplicate roll of the property assessed, and where persons send in a list of their property by mail the County Assessor of Taxes shall be required to give such duplicate roll only upon demand by said person, and upon his enclosing a stamp to return said roll.

Represent-
ative char-
acter.

Sec. 14. When a person is assessed as a trustee, guardian, executor, or administrator, a designation of his representative character shall be added to his name, and such assessment shall be entered upon a separate line from the individual assessment.

Duty of
Comptroller.

Sec. 15. The Comptroller shall prepare blank assessment rolls, which shall be forwarded to the several County Assessors of Taxes previous to the first day of January,

1907.

for each and every year. He shall on or before the first day of May of each year obtain from the United States land office in this State, and from the several railroad land grant companies in the State, or from other land grant companies or corporations, lists of land for which patents were issued, or which was sold or contracted to be sold during the previous year, and certify them for taxation, together with the various classes of State lands sold during the same year, to the County Assessor of Taxes in which such lands may be situated.

Sec. 16. It is hereby made the duty of every person owning or having the control, management, custody, direction, supervision or agency of property of whatsoever character that is subject to taxation under the laws of this State, to return the same for taxation to the County Assessor of Taxes in the proper county, or to other proper officer, on or before the first day of April of each and every year, giving the character and the true cash value of the same, as required by law, and upon failure to do so the assessment and valuation made by the assessing officer or officers shall be deemed and held to be binding upon such owner or other person or corporation interested in such property, unless complaint is made of such assessment and valuation on the day set for hearing complaints and receiving testimony as to the value of any property, real or personal, as fixed by the County Assessor of Taxes.

Returns must be made to Assessor of all property at its true cash value.

Sec. 17. Every County Assessor of Taxes shall require any person giving in the amount or list of his personal property to make oath before him that the same is full and correct, and any person refusing to take such oath shall not be permitted afterwards to reduce the valuation made by such County Assessor of Taxes of his personal property for that year. The valuation of any item of property, real or personal, by the taxpayer, shall in no case prevent the County Assessor of Taxes from determining its true value, and if he shall ascertain or have reason to believe that the valuation of any item of property is too small, he shall increase the same to its true value. If any taxpayer feels aggrieved at the valuation placed upon any item of property by the County Assessor of Taxes, he shall complain to the County Commissioners at their meeting in August, that the valuation may be properly adjusted.

Oath.

Assessor may increase value.

Sec. 18. All personal estate liable to taxation, the value of which shall not have been specified under oath as

Assessor to fix value.

1907.

aforesaid, shall be estimated by the County Assessor of Taxes at its true cash value, according to his best judgment and information, and his failure by neglect or refusal to make such estimate shall be a cause of suspension by the Governor.

How lands
to be as-
sessed.

Sec. 19. The lands in each county in this State, subject to taxation and not included in the limits of incorporated towns and cities and laid off in lots and blocks, shall be assessed by townships, and for purposes of taxation all non-bearing fruit trees shall not be considered as adding any value to said land; and in making the assessment the County Assessor of Taxes shall begin with the lowest numbered section in each township and shall assess each lot, tract or parcel of land therein, in accordance with the description as returned for taxation by the owner or agent; Provided, The County Assessor of Taxes may correct any errors in the description so returned, and if the owner or agent fails to make such returns, the County Assessor of Taxes shall assess all lands not returned, according to the government survey, and shall assess in one assessment all the lands in a section belonging to the same owner, or assessed as "Unknown," and when a return of any piece or parcel of property is returned by more than one person the County Assessor of Taxes shall write the names of all claimants opposite said description of land, and the County Assessor of Taxes shall continue in his assessment roll the description and assessment of the remaining sections in townships in the order of their numbers, and in the same manner he shall then assess all the other townships in his county in like manner. He shall also list all land not subject to taxation belonging to the State, the common school fund, the seminary fund, the Internal Improvement Fund, and the United States, but he shall place no value on any such land or make any extension of taxes and shall receive no compensation for listing such lands; Provided, That when private surveys of land or descriptions by metes and bounds have taken the place of government surveys, and the land is known, designated and described only by such private surveys or metes and bounds, the description in the assessment shall be made in accordance with such surveys or descriptions as recorded in the office of the Clerk of the Circuit Court, or by reference to deed of record, giving the book and page as appears in the office of the Clerk of the Circuit Court,

Mode of as-
sessment.

1907.

and when Spanish grants or donations exist in any county in this State, which have not been surveyed and platted, or which plats are not recorded in the office of the Clerk of the Circuit Court, the County Assessor of Taxes for such county shall assess the several tracts of land owned in such grants not platted as above, describing the same by reference to deed of record, giving the book and page of record as appears in the office of the Clerk of the Circuit Court, and if the deed conveying such tracts is not recorded upon its production to the County Assessor of Taxes, he may describe the lands as being that tract, lot, piece or parcel described in a deed executed by the grantor (naming him) to the grantee (naming him), bearing date (giving date shown by deed), and such description shall be valid and sufficient for all purposes of the assessment.

The County Commissioners of each county in this State shall purchase and have mounted on cloth and then bound in volume or volumes, two complete sets of photolithographed township maps in their respective counties of each township therein, one to be kept in the office of the Clerk of the Circuit Court and the other in the County Assessor of Taxes' office in their several counties, and failure to do so shall be cause for suspension of such County Commissioners by the Governor upon complaint of the County Assessor of Taxes, or other citizen of the county, and all these maps and information which may come into the hands of the several County Assessors of Taxes which may be used in preparing the assessment roll shall remain in the County Assessor of Taxes' office at the courthouse and be delivered to his successor in office; Provided, That any maps now owned by the County Assessor of Taxes may be purchased at their discretion by the County Commissioners at a reasonable price, and should any County Assessor of Taxes so fail to deliver said maps above provided, his bond shall be responsible to the value of said property, as required for the faithful discharge of his duty, and he shall not again be eligible to any office of trust or profit in the county.

County
Commission-
ers to pur-
chase maps.

He shall make the assessments of real estate in cities and town plats and blocks in regular order throughout the original plan of the city or town, and all additions thereto, all the lots of a block to be listed in their regular order under the letter, number or other designation of the block as filed and recorded in the office of the Clerk of the

Assessments
in cities.

1907.

Payment of
taxes on
land.

Personal in-
spection by
Assessor and
assessment
of land at
full cash
value.

Taxation
Districts.

Circuit Court, blocks also to follow in their regular order (and all lots or sub-divisions of a block, when belonging to one owner and being numbered consecutively and lying contiguously, may be assessed together and the taxes extended on one line), each of the smallest sub-divisions of such book to be entered and the taxes thereon to be extended separately; Provided, That County Assessors of Taxes, in making up the assessment rolls, are directed to give sufficient space for the Tax Collector to make necessary entries; and the Clerks of the Circuit Court in recording the report of the tax sales are directed to give necessary space for the entries of redemption; Provided, That no person shall be required to pay taxes on entire land assessed in order to get receipts for taxes on land upon which such person desires to pay taxes.

Sec. 20. The County Assessor of Taxes shall ascertain by personal inspection, where not already sufficiently acquainted therewith, the value of the lands and assess them at their full cash value in the name of the owner or legal representative of the owner, or as "Unknown," and set down in the assessment roll following and opposite the description of the lands the name of the owner or his or her legal representative, and when the land has not been returned for assessment on or before the first day of April in each year, by the owner or legal representative of the owner, the County Assessor of Taxes shall enter the word, "Unknown," in the column of the assessment roll provided for the name of the owner, or his or her legal representative. The assessment book as provided by the Comptroller shall contain an alphabetical index, in which the County Assessor of Taxes shall be required to indicate the name and the postoffice address, if it can be ascertained, of each person whose name appears upon the assessment roll and shall indicate opposite such name as indexed the page upon which any tax or taxes may be found to be assessed.

Sec. 21. The County Commissioners of the several counties, when it is deemed necessary for assessment purposes, may, before the first day of January of each year, divide their respective counties into taxation districts, and the County Assessor of Taxes may employ for each district an Assistant Assessor of Taxes, resident of the district, who shall take the oath of office required by law for the faithful discharge of the duties of the office of

1907.

Assistant
Assessors.

County Assessor of Taxes and shall give good and sufficient bond for the faithful performance of his duty, as Assistant Assessor of Taxes, which bond shall be approved by the County Commissioners of said county, and whose duty it shall be to assess the property, real and personal, in his district, as provided by law, making out a complete list of all the lands subject to taxation, and giving the value thereof, and giving the names of the owners or persons making the tax returns. The Assistant Assessor of Taxes shall begin the assessment on the first day of January and shall complete the same as early as possible, and he shall return his list of assessments, as made out to the County Assessor of Taxes, immediately upon the completion thereof, and not later than the first day of May, and the two shall then revise such list at stated times, before the first day of June, as the County Assessor of Taxes may designate, and make such changes as may be agreed upon between them as to description and value of property, and in case of disagreement the matter shall be referred to and decided by the Board of County Commissioners when they meet to revise and equalize the assessment of the county. The County Assessor of Taxes may remove any Assistant Assessor of Taxes who fails to discharge his duty properly or to complete his work within the prescribed time, and he shall have power to fill vacancies in that office at any time when he may deem it necessary. The Assistant Assessor of Taxes shall receive as compensation for his services such fees as may be agreed upon by the County Assessor of Taxes, which compensation shall be paid out of the fees or compensation allowed the County Assessor of Taxes for such services.

Power of
Assessor.

Sec. 22. If any County Assessor of Taxes when making his assessment shall discover that any land in his county has for any reason escaped taxation for any or all of the three previous years or that any land was illegally sold for taxes and was then liable for taxation, he shall, in addition to the assessment of such lands for that year, assess the same separately for such year or years that they may have escaped taxation, or was so illegally sold, at the cash value thereof in such year, noting distinctly the year when such land escaped taxation, and such assessment shall have the same force and effect as it would have had if made in the year that the same escaped taxation, and taxes shall be levied and collected thereon

To assess
lands that
have escaped
taxation.

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Proviso.

in like manner and together with the taxes of the year in which the assessment is made, but no lands shall be assessed for more than three years' arrears of taxation and all lands shall be subject to such taxation so escaping taxation to be assessed into whosoever's hands they may come; Provided, That the County Assessor of Taxes shall not assess any lot or parcel of land certified or sold to the State for any previous years, unless such lot or parcel of land so certified or sold shall be included in the list furnished by the Comptroller to the County Assessor of Taxes as provided by law; and the Comptroller shall not allow any commissions to the County Assessor of Taxes, Tax Collector, or costs to newspapers advertising the same, the Assessor being liable and responsible for costs of advertising property wrongfully assessed and advertised in accordance with the provisions of this section.

When to complete assessment roll.

Review and equalization. Notice of meeting to hear complaints.

If value is increased

Sec. 23. The County Assessors of Taxes shall complete the assessment rolls of their respective counties on or before the first Monday in July in every year, on which day such Assessors shall meet with the Board of County Commissioners at the Clerk's office of their respective counties for the purpose of hearing complaints and receiving testimony as to the value of any property, real or personal, as fixed by the County Assessor of Taxes, of perfecting, reviewing and equalizing the assessment, and may continue in session for that purpose from day to day for one week, or as long as shall be necessary. Due notice of such meeting shall be given by publication in a newspaper published in such county, or by posting a notice at the courthouse door, if there be no newspaper published in the county, at least fifteen days before the Board will be in session for the purpose of hearing complaints and receiving testimony as to the value of any property as fixed and assessed by the County Assessor of Taxes; Provided, That the County Commissioners of any county may, if they deem it necessary, extend the time for the completion of such assessment roll and for the purpose of revising and equalizing the assessment, a similar extension, not exceeding thirty days, giving due notice and an opportunity to be heard as to assessment and values as hereinbefore provided. Should the Board increase the value fixed by the County Assessor of Taxes of any real estate or personal property,

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due notice thereof shall be given to the owner or agent of such property by publication in a newspaper published in such county, or by posting a notice at the courthouse door, if there be no newspaper published in the county, at least fifteen days before the Board will be in session, to hear any reason that such persons may desire to give why the valuation fixed by the Board shall be changed. The Board of County Commissioners shall meet on the first Monday in August or September of each year for the purpose of hearing complaints from owners or agents of any real estate or personal property the value of which shall have been fixed by the Assessor, or changed by them, and for that purpose the Board shall sit as long as it may be necessary.

due notice thereof must be given.

Meeting to hear complaints.

Sec. 24. The Board of County Commissioners shall have full power to equalize the assessment of the real estate or personal property in their respective counties, and for that purpose may raise or lower the value fixed by the County Assessor of Taxes on any particular piece of real estate, or item or items of personal property.

Equalizing assessments.

Sec. 25. The County Assessors of Taxes in this State shall receive no compensation for assessing lands which are not subject to taxation.

No compensation.

Sec. 26. If from sickness any County Assessor of Taxes cannot attend at the time and place prescribed above, he shall transmit his assessment roll to the Clerk, and the County Commissioners may review and equalize the assessment. In case the County Assessor of Taxes in any county shall neglect to assess the property of the county previous to the first Monday in August of any year, it shall be within the power and discretion of the County Commissioners to direct the Clerk of the Circuit Court to make or complete the assessment. In case the Clerk of the Circuit Court shall make or complete the assessment, he shall perform all the duties which the County Assessor of Taxes would otherwise have performed. All assessments shall be legal which shall be assessed to the same owner as for the previous year; Provided, That the owner does not return it for taxation. And the County Commissioners shall have power to appoint a day for the purpose of equalizing the assessments so made, and shall proceed in the same manner as provided in Section 22, allowing at least fifteen days between the time of meeting at which the assessed value

Sickness of Assessor.

Clerk may assess.

Duty of County Commissioners.

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of any real estate or personal property may be changed by them and the time for hearing complaints from the person aggrieved.

Duty of
Assessor.

Number of
columns in
assessment
roll.

Sec. 27. It shall be the duty of the County Assessor of Taxes in each county immediately after the assessment of the county has been reviewed and equalized by the County Commissioners, and the amount to be raised for the State and county and special tax school district, or other special tax purposes determined, to calculate and carry out the total amount of county taxes and the total amount of school district or other special taxes in separate columns prepared for that purpose in the assessment roll, setting opposite to the aggregate sum set down as the valuation of real and personal estate, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent, if less than one half, and counting as one cent fractions of one-half and over; Provided, That only three separate columns for entering taxes shall be provided in the assessment roll for any county; he shall also add up the column of assessments and taxes contained in the assessment rolls and make therein such recapitulatory tables as may be required by the Comptroller. And the said County Assessor of Taxes shall make out two fair copies of the assessment roll when thus completed, and shall annex to the original and each copy the affidavit in Section 31 of this act, which copies, with the original, he shall turn over to the Board of County Commissioners at a meeting to be held on the first Monday in October of each and every year for that purpose, at which meeting the County Commissioners shall examine and compare such original and two copies and cause the County Assessor of Taxes, who shall attend such meeting from day to day, to correct all mistakes and inaccuracies in description and other character, and after such books shall have been examined and corrected, the Board of County Commissioners shall indorse on them a certificate that they have so examined them and that they are correct, which certificate shall be issued by at least three members of the Board, and the County Assessor of Taxes shall then issue and annex to one of said books, the warrant as hereinafter provided, and a copy of said warrant shall be recorded in the minutes of the Board of County Commissioners, and the County Commissioners shall not have power to change any assessment after the copies

have been delivered to the Tax Collector and Comptroller and the original filed with the Clerk of the Court.

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Sec. 28. That the Comptroller and Treasurer shall cause a proper division of the funds assessed in accordance with law under the head of State Taxes, on the assessment roll, at the time such taxes are paid over to the State Treasurer by the Tax Collector, and the Treasurer shall credit the funds so received to general revenue, common school fund, one-mill tax and such other funds as may by law be required to be separately set apart.

Division of funds.

Sec. 29. The County Assessor of Taxes shall transmit one copy to the Comptroller and the other, to which the warrant shall be added, shall be delivered to the Tax Collector and the original shall be filed in the office of the Clerk of the Circuit Court, together with the County Tax Assessor's assessment roll and records, after he has completed his assessment; Provided, That the County Assessor of Taxes shall, for assessment purposes, have the right to use any assessment roll on file in the office of the Clerk of the Circuit Court, and the Clerk of the Circuit Court shall deliver any such assessment roll to the County Assessor of Taxes and take his receipt for the same. The County Assessor of Taxes shall be responsible for any such assessment roll while in his custody, and he shall return the same to the office of the Clerk of the Circuit Court as soon as the assessment roll shall be completed.

Assessor to transmit copy to Comptroller and Tax Collector.

Provided.

Sec. 30. The County Commissioners shall determine the amount to be raised for all county purposes and shall enter upon their minutes the rates to be levied for each fund respectively and shall ascertain the aggregate rate necessary to cover all such taxes and report the same to the County Assessor of Taxes, who shall carry out the full amount of taxes for all county purposes under one heading in the assessment roll to be provided for that purpose, and the County Commissioners shall notify the Clerk and Auditor of the county, also the Treasurer thereof, of the amount to be apportioned to the different accounts out of the total taxes levied for all purposes, and the County Treasurer in issuing receipts to the Tax Collector shall state in each of his receipts, which shall be in duplicate, the amount apportioned to each fund, out of the payment made to him by the Tax Collector, and where any such receipts shall be given to the

Duty of County Commissioners.

Duty of County Treasurer.

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Duty of
County
Commission-
ers as to
Special Tax
School Dis-
tricts.

Tax Collector by the County Treasurer, he shall immediately file one of the same with the Clerk and Auditor of the county, who shall credit the same to the Tax Collector with the amount thereof, and shall make out and deliver to the Tax Collector a certificate setting forth the payment in detail, as shown by the Treasurer's receipt, Provided, That the County Commissioners shall file a written statement with the County Assessor of Taxes setting forth the boundary of each special tax school district, and the boundary of the district or territory in which other special taxes are to be assessed, and the County Assessor of Taxes shall, upon receipt of such statement, and an order from the Board of County Commissioners setting forth the rate of taxation to be levied on the real and personal property therein, proceed to assess such property and enter the taxes thereon, in separate columns, in the assessment rolls to be provided for that purpose.

Affidavit.

Sec. 31. When the County Assessor of Taxes shall have completed his assessment and made copies thereof, he shall attach to each an affidavit to be taken before some person authorized by law to administer oaths, which shall be in the following form:

State of Florida,County of

Personally appeared before me.....
County Assessor of Taxes for
County, who, being duly sworn, says the above assess-
men roll contains a true statement and description
of all persons and property in the above county of
....., subject to taxation or
liable to be assessed therein, and the valuation thereof,
so far as they were made by him, are just and correct, so
far as he has been able to ascertain.

Sworn to and subscribed to before me this day of, A. D. 19..

Duty of
Clerk Circuit
Court.

Sec. 32. As soon as the assessment roll shall be delivered to the Tax Collector, the Clerk of the Circuit Court shall make out and publish a statement showing the amount of taxes charged to the Tax Collector to be collected for the current year and the apportionment of the same in separate columns to the several funds for which such taxes have been levied, including all poll taxes, which poll taxes shall be itemized separately in all statements,

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both as to amounts assessed and as to the amounts collected, and at each monthly meeting of the County Commissioners thereafter, and until the tax books are closed, he shall publish a statement giving each fund credit with the amount collected thereon as shown by the reports of the Tax Collector in his office, and when the tax books are closed he shall publish a like statement showing the amounts specifically allowed the Tax Collector on account of errors and insolvencies and the amount of each fund uncollected. The aforesaid statement shall be posted by the Clerk of the Circuit Court at the courthouse door, and published in a newspaper, when one is published in the county, and the costs of publishing the same shall be paid by the County Commissioners.

Post and publish.

Any Clerk of the Circuit Court failing to publish such statements shall be guilty of a misdemeanor, and upon conviction be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year; and it shall be the duty of the Circuit Judges to charge this section to the Grand Juries in their respective circuits.

Penalty.

Sec. 33. To each of the assessment rolls for 1907 and subsequent years a warrant under the hand of the Assessor of Taxes shall be annexed in the following form, to-wit:

State of Florida to Tax Collector of the County of Form of warrant.

You are hereby commanded to collect out of the real estate and personal property, and from each of the persons and corporations named in the annexed roll, the taxes set down in each roll opposite each name, corporation or parcel of land therein described, and in case taxes so imposed are not paid at the time prescribed by law, you are to collect the same by levy and sale of the goods and chattels, lands and tenements so assessed, or of the person or corporation so taxed; and all sums collected for the State taxes you are to pay to the State Treasurer at such time as may be required by law, and at the same time you are to pay to the County Treasurer all sums collected for county taxes, district school taxes and other special taxes; and you are further required to make all collections on or before the first Monday in April; and on or before the first Monday in July you will make a final

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report to and settlement with the Comptroller and County Commissioners.

Given under my hand and seal this, the.....day of in the year A. D. 190...

Assessor of Taxes, County.

Such warrant shall remain in full force until all the taxes as assessed in said roll shall be collected.

Duty of
Tax Collec-
tor.

Sec. 34. Tax Collectors are required to make all collections on or before the first Monday in April, and on or before the first Monday in July they are required to make a final report and settlement with the Comptroller and County Commissioners; Provided, however, that all warrants now outstanding shall be of full force and effect until all the taxes remaining unpaid shall have been collected and final report and settlement made by the Tax Collector with the State and county authorities, and all warrants heretofore issued or to be issued shall be of full force and effect in the hands of any successor, immediate or remote, of the Tax Collector to whom it may have been or may be so issued.

Warrant to
remain in
force.

Forms and
instructions.

Sec. 35. The County Assessors of Taxes and Tax Collectors, in the execution of their duties, shall use the forms and pursue the instructions which may from time to time be transmitted to them by the Comptroller.

Penalty for
failure of
Tax Asses-
sor to per-
form his
duty.

Sec. 36. If the County Assessor of Taxes shall fail from any cause other than sickness to do the duties and assess the taxes in the manner prescribed in this act, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty dollars nor more than twenty-five hundred dollars, or imprisonment in the county jail not more than two years.

Erroneous
statements.

Sec. 37. If any Tax Collector has reason to believe or is informed that any person or agent of any firm, company or corporation, has given to the County Assessor of Taxes or to the Assistant Assessor of Taxes an erroneous statement of his or their or its personal property, or that the County Assessor of Taxes has not returned the full amount of all property, either personal or real, to be listed in his county or any assessment district thereof, or has omitted or made an erroneous return of any property which is by law subject to taxation, he shall at once notify the County Assessor of Taxes of the facts in the case, and if such information as to personal property is

G. Noble Jones.

LAWS OF FLORIDA.

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given the County Assessor of Taxes before the first Monday in April of any year, he shall proceed at once to make an additional assessment in triplicate, and after attaching the affidavit and warrant required in this act to be annexed to the assessment roll, he shall dispose of such additional assessment roll in the same manner as is provided for in the disposition of the regular assessment roll and all personal property about which the County Assessor of Taxes shall be notified after the first Monday in April, and all real estate about which he shall be notified between, either before or after the first day of April, or which shall be omitted from the assessment roll, shall be assessed on the regular assessment roll then in course of preparation.

Additional
assessments.

Sec. 38. Comptroller's warrants shall be receivable for State general revenue; Provided, That warrants issued prior to July 1, 1871, must first be examined and approved by the Board constituted by Section 1, Chapter 2081, Laws of Florida. Orders upon the County Treasurer of any county shall be receivable by such county for county revenue, and orders issued by the County Board of Public Instruction shall be receivable in the counties where such orders are issued for county school purposes.

Comptroller's war-
rants.

County or-
ders.

Sec. 39. No Tax Collector of any county shall, either directly or indirectly, purchase or receive in exchange any Comptroller's warrants, county orders, juror's certificates, or school district orders for a less amount than expressed on the face of such orders or demand, and any such person so offending shall, for each offense, be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of not less than one thousand dollars, nor more than ten thousand dollars, and be removed from office.

Penalty.

Sec. 40. The Comptroller shall furnish the Tax Collectors with a receipt book with stubs which shall be in such form as the Comptroller shall prescribe. The Tax Collector shall, on the payment to him of any taxes, fill out the receipt as prescribed by the Comptroller, entering the amount of such taxes paid on the stub to be retained by him and deliver the receipt to the taxpayer, and shall note on his tax roll the payment thereof; and if any Tax Collector shall return to the Comptroller and County Commissioners as unpaid any tax which has been paid to him, he shall be guilty of a misdemeanor, and upon con-

Comptroller
to furnish
tax receipt
books.

Duties of
Tax Collec-
tor.

1907.

Penalty.

viction thereof, he shall be punished by imprisonment in the county jail not exceeding twelve months, or by a fine not exceeding one thousand dollars; Provided, That the Tax Collector shall be and is hereby prohibited from accepting taxes on any property not assessed on the regular assessment roll or additional assessment roll made under Section 37 of this act, and the Tax Collector is also prohibited from accepting the payment of taxes on property that has already been paid on, whether such payment was made by the owner or not, but any person may in such cases demand and receive a certificate from the Tax Collector that the taxes have been regularly paid, and such certificate shall set forth the date of payment, amount paid, number of receipt and description of property, which said certificate shall have the same force and effect as the tax receipt upon which it is based.

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Tax Collector to make returns and payments.

Every Tax Collector shall on the first days of each and every month make a return under oath to the Comptroller and County Judges of all sums collected during the previous month on account of State and county taxes, and for license taxes and other purposes. In his return he shall state the name of the person or persons from whom a license tax was collected and the amount thereof, and he shall at the same time pay all tax moneys in his hands to the proper officers.

Date taxes are due.

Sec. 41. All taxes shall be due and payable on the first day of November, of each and every year, or as soon thereafter as the assessment roll may come into the hands of the Tax Collector, of which he shall give notice by publication, and the Tax Collector is hereby vested with the power and it shall be his duty to collect by levy and sale of the goods and chattels, lands and tenements assessed, all taxes that remain unpaid on the first Monday in April. If any tax payer shall pay his taxes between the first day of November and the first day of December he shall be allowed by the Tax Collector a discount of two per centum therefrom; and if he shall pay on the first day of December, or between that day and the first day of January, he shall be allowed a discount therefrom of one percentum thereof. Any tax paid on or upon the first day of January shall, for the purpose of the additions aforesaid, be regarded as paid on the last day of the month in which it is paid. Tax Collectors may appoint a deputy or several deputies to levy upon and

Discount.

Tax Collector's Deputies.

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seize personal property for unpaid taxes, and a written appointment from the Tax Collector, with a statement from him of the person in whose name the property is assessed and the amount of taxes due shall be sufficient warrant and authority for such deputy to act, and it shall not be necessary for a deputy to take the tax roll or warrant annexed thereto with him; Provided, That deputy collectors so appointed shall be liable to the same penalties prescribed in this act as to Tax Collectors for violation of this act for neglect of duty, or otherwise; Provided, the Deputy Tax Collector shall be entitled to the following fees, which shall be collected from delinquent tax payers at the time of the payment of their taxes: On amounts of less than five dollars taxes, his fee shall be fifty cents; on amounts of over five dollars and less than ten dollars taxes, his fee shall be seventy-five cents; and on amounts over ten dollars taxes, he shall receive a fee of one dollar.

Proviso.

Sec. 42. When personal property shall be levied upon for any taxes, the Tax Collector or his Deputy shall give public notice of the time and place of sale and of the property to be sold at least fifteen days previous to the sale by advertisement, to be posted up in at least three public places in the county, one of which shall be at the courthouse door, one in the election district in which the owner resides, one in the county, and one at the voting place of the district where the property is located, and where such sale shall be made at public auction, and the property sold shall be present if practicable; but at any time previous to the sale the owner or claimant of such property may release the same by the payment of the taxes and the charges for which the same was liable to be sold. In case any levy shall be made as aforesaid, the Tax Collector shall be entitled to the same fees and charges as are allowed Sheriffs upon execution.

Sale of personal property.

Public notice.

Sec. 43. If the property levied upon shall be sold for more than the amount of taxes, costs and collection fees, the surplus shall be returned to the person in whose possession the said property was when the levy was made, or to the owner of the property.

Surplus returned.

Sec. 44. In case any personal property upon which the taxes shall have been assessed is removed from the county in which said property was assessed, it shall be lawful for

Removal of property from County.

1907.

Assessment
of taxes,
a lien on
property.

the Tax Collector of the county, by his warrant, to authorize the Sheriff of the county within this State to which such person shall have removed or in which he shall reside, and such Sheriff may proceed thereon as upon execution from the Circuit Court. Any assessment of taxes shall be a lien upon the property assessed from the 1st day of January for which year the property is liable to assessment. The Tax Collectors of the several counties shall have power to attach for taxes thereon any personal property which has been assessed at any time before payment, if he has reason to believe that such property is being or has been removed or disposed of so as to prevent or endanger the payment of taxes thereon in the same manner and under the same rules of law governing attachments or debts, dues or demands in other cases; and all taxes assessed upon either real or personal property, from the date of such assessment, shall have all the force and effect of a judgment and execution at law against the owner of such property.

Double as-
sessments.

Errors, etc.

Sec. 45. When any Tax Collector discovers that any land has been assessed more than once for the same year's taxes, he shall collect only the tax justly due thereon, and shall make return of the balance as a double assessment and shall be credited therefor by the County Commissioners and Comptroller, and he shall notify the different parties to whom the property is assessed. He shall also report to the County Commissioners the errors, double assessments and insolvencies for which he is to be credited under different heads, giving in every case the names of the parties on whose account the credit is to be allowed.

Returns to
be made by
railroads
and sleeping
or parlor car
companies.

Sec. 46. The president and secretary, or superintendent or manager of any railroad company or street railroad company or sleeping or parlor car company, or the receiver thereof, whose car, track or roadbed, or any part thereof is in this State, shall annually, on or before the first Monday in March, return to the Comptroller of the State, under their oath, the total length of such railroad, the total length and value of such main track, branch, switch and spur track, and sidetrack, lots or parts of lots not leased or rented, and terminal facilities, in this State, and the total length and value thereof in each county, city or incorporated town in this State as of the first day of January. They shall also make return

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of the number and value of all locomotives, engines, passenger, sleeping, freight, parlor, platform, construction and other cars and appurtenances, and should any such company or its officers fail to make the returns required by this act on or before the first Monday in March, when such returns are made, or should any such returns not be made, or should the Comptroller have reason to believe that any return so made does not give a complete and correct value of such railroad property, it is hereby made the duty of the Comptroller, Attorney General and State Treasurer, after having given not less than five days' notice to the person or persons making the return of the time and place of hearing, to assess the same from the best information they can obtain, specifying the value thereof in each county; and the value of the locomotives, engines, passenger, sleeping, parlor, freight, platform, construction and other cars and appurtenances shall be apportioned by the Comptroller pro rata to each mile of main track, branch, switch, spur track and sidetrack, and the Comptroller shall notify the County Assessor of Taxes of each county through which such railroad runs of the number of miles of track and the value thereof, and the proportionate value of the personal property taxable in their respective counties, and he shall notify each incorporated city and town into which said railroad runs of the mileage, apportionment of rolling stock, and other property of said railroad within such city or town, and the value thereof shall be assessed by such city or town as provided by law, and upon the value thus ascertained and apportioned, taxes shall be assessed the same as upon the property of individuals. That every telegraph line in this State shall be returned and assessed in the manner as is provided by this act for the assessment of railroads, and in case of failure to pay the taxes assessed, the entire line of telegraphs of this State and all of its properties, rights and franchises, or any property belonging to the same company, person or persons, may be sold in the same manner as is provided for the sale of the railroads or any of its property upon which any tax shall be due and not paid.

What returns must contain.

Comptroller, Attorney General and State Treasurer to assess.

Comptroller to notify County Assessors and cities and towns.

Telegraph lines to be returned, assessed and sold in same manner as railroads.

Sec 47. All sleeping and parlor car companies operating their cars in this State shall, on or before the first day of January, 1908, and annually thereafter, report to

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Sleeping and
parlor car
companies to
report and
pay tax on
gross re-
ceipts.

the Comptroller of the State of Florida, under oath of the secretary or other officer of such company, the total amounts of their gross receipts derived from business done between points in this State; and at the same time shall pay into the State Treasury the sum of one dollar and fifty cents upon each one hundred dollars of such gross receipts, and if any such company shall fail to make such report to the Comptroller and pay the tax thereon as herein provided, the Comptroller shall estimate the amount of such gross receipts from such information as he may be able to obtain, and shall add ten per cent to the amount of such taxes as a penalty for the failure of such company to make report, and shall proceed to collect such tax, together with all costs and penalties thereon, the same as other delinquent taxes are collected.

Tax Collec-
tor to send
certificate of
amount un-
paid railroad
taxes.

Sec. 48. If any taxes on any railroad or any part thereof in this State shall not be paid on or before the first Monday in April of any year, the Tax Collector of any county wherein such taxes may be due shall send a certificate of the amount thereof to the Comptroller, including in said certificate the amount of State and county taxes, and special school district taxes and other special taxes. The Comptroller shall have the power upon the receipt of the certificate or certificates from the Tax Collectors as aforesaid to issue a warrant directed to the Sheriff of any county where such defaulting railroad or any part thereof may be located, commanding him to collect by levy and sale, in the same manner as is now provided by law for the sale of property under execution from the Clerk of the Circuit Court, of the shops, fixtures, rolling stock or any part thereof as may be located in this State, the full amount of taxes due thereon, or of the entire road or such part thereof, including the costs and expenses of sale, and the proceeds of such sale, after deducting the fees and costs as provided by law, shall be forwarded by such Sheriff to the Comptroller, who shall pay the State taxes into the State Treasury, and the county taxes and district school taxes and other special taxes to the County Treasurer of each county in which such taxes were assessed, according to the assessment, and the surplus after such payments are made, if any, shall be paid over to the authorities of such defaulting railroad.

Comptroller
authorized
to issue
warrant to
Sheriff.

Fees of
Sheriff.

The fees of the Sheriff in the execution of the warrant

1907.

provided for in this section shall be the same as provided by law in the case of executions from the Clerk of the Circuit Court, which fees, together with the costs, shall be included with the taxes in the amount to be collected from the defaulting railroad; Provided, further, That whenever any person or persons shall become the purchaser of any car, engine or other rolling stock of any such company or corporation at any such sale, such purchaser shall have the right to require of any such company or corporation the transportation of any car, engine or other rolling stock to any point along the line of such railroad at a cost of not to exceed eight cents per mile, and that the Sheriff shall take corporal possession of the property levied on under this section, and on selling the same, or any part thereof, shall deliver it into the actual possession of the purchaser upon his paying the amount bid therefor at such sale, and in case no person shall bid the amount of taxes due, including the costs and expenses of sale, the property shall be bid off for the Comptroller of the State, and shall be delivered to the Comptroller, and the Governor and Comptroller shall dispose of, sell and convey the same in such manner as in their judgment may be to the interest of the State. The provisions of this section, in so far as they relate to the sale of railroads for unpaid taxes, shall apply to all taxes assessed heretofore or that may be hereafter assessed.

Proviso.

Sec. 49. That the president, secretary, superintendent, manager or agent of any railroad company, or receiver of any railroad, owning land or any other real estate in any county in this State, shall make out and deliver to the County Assessor of Taxes on or before the first Monday in March in each year, of each county where the property is situated, a full and complete list of all lands or lots owned or held by them, the same as the property of individuals, and should any railroad company fail to return their real property as required by this act the County Assessor of Taxes shall ascertain and assess the same as in cases of individual property.

Lands owned by railroad company.

Sec. 50. If the taxes upon any real estate shall not be paid before the first day of April of any year, the Tax Collector shall advertise and sell in the manner following: He shall make out a statement of all such real estate, specifying the amount due on each parcel, together with the cost of advertising and expense of sale, in the

Sale of real estate for unpaid taxes.

1907.

List.

Publication.
Newspaper
to be se-
lected.Publishers'
charges,
how paid.

Affidavit.

Filing news-
paper.Tax Collec-
tor.Form of ad-
vertisement.

same order in which the land was assessed, and such list shall be published once each week for five consecutive weeks in some newspaper published in the county, if there be a newspaper, said newspaper to be selected by the Board of County Commissioners at their first regular meeting in February of each year, and the newspaper so selected shall have been continuously published in the county for a period of not less than one year prior to its selection; Provided, That should there be no such newspaper a newspaper published for a less period of time may be selected, and if there be no such newspaper published in the county, then by posting in three public places in the county, one of which shall be at the court-house, and the newspaper's charges for advertising shall be fifteen cents per line for the five insertions, per single column, and the Tax Collector shall receive the same for posting at three public places, but in neither case shall there be any charge for the head notice; Provided, That this act shall not apply to lands sold for non-payment of taxes for the year 1906. The Comptroller is authorized to audit said publisher's charges and draw his warrant for the same out of any moneys in the Treasury not otherwise appropriated. The editor, publisher or owner shall have attached to his account an affidavit that he has not directly or indirectly paid or promised to pay any Tax Collector or any other person any consideration whatever, or any compensation of any description for having said tax notice published in his paper.

Sec. 51. A copy of the newspaper containing the advertisement shall be filed in the office of the Clerk of the Circuit Court within ten days after said sales. When lands are advertised for taxes under the provisions of this act, the Tax Collector shall be entitled to fifteen cents for certificate of sale, and shall be entitled to five per cent commission on the amount of each delinquent tax when actual sale is made.

All such sales shall commence on the regular sale day prescribed by law, and may be continued from day to day. Such advertisements shall be in the following form, to-wit:

NOTICE.

Notice is hereby given that the following described lands, or so much thereof as will be necessary to pay the

29

1907.

To be signed:

Sec. 52. The publisher, proprietor or foreman of any newspaper publishing such notice shall forward a copy of each number of his paper containing such notice to the Tax Collector and the Clerk of the Circuit Court and Comptroller by mail, and when the publication of the tax sale notice is completed, as provided by law, the publisher shall make affidavit thereto in the form prescribed by the Comptroller and annexed to the Tax Collector's report of the tax sale or list of lands sold as provided by Section 58 of this act.

Duty of publisher to furnish copies of paper.

**Sale of
land.**

1907.

Liability of
Tax Collec-
tor and As-
sessor.

Sec. 54. Should any Tax Collector sell any lands upon which the taxes have been paid, he shall be liable to the owners of said lands for twice the amount of the tax, and in addition pay all legitimate expenses the owner may be put to in clearing his titles, including a reasonable attorney's fees to be fixed by the court, and refund to the State all amounts for which he may be credited on account of such illegal sale, including costs of advertising. The Tax Collector shall be responsible to the publisher for costs of advertising lands on which the taxes have been paid, and the Tax Assessor shall be responsible to the publisher for costs of advertising lands doubly assessed.

Where taken
from.

Sec. 55. The land shall be struck off to the person who will pay the tax, costs and charges for the least portion of the land, and the portion thereof sold shall be taken from the southeast corner of such parcel and described in a square form as near as may be.

Immediate
payment re-
quired.

Sec. 56. The Tax Collector shall require immediate payment by any person to whom any parcel of such land may be struck off, and in all cases where the payment is not made in twenty-four hours, he may declare the bid canceled and sell the land again on the following day; and any person so neglecting or refusing to pay any bid made by him shall not be entitled after such neglect to have any bid made by him received by the Tax Collector during such sale.

Sec. 57. At the sale aforesaid the Tax Collector shall give to the purchaser a certificate of such sale describing the lands purchased and the amount paid therefor.

The certificate shall be substantially in the following form:

Form of
Certificate.

State of Florida,

County of,

Office of Tax Collector,

....., A. D. 190..

No.

I,, Tax Collector for the County of, in the State of Florida, do hereby certify that I did, at public auction, pursuant to notice given by law as required, on this, the.... day of, A. D. 190.., sell to the land here described for the sum of dollars and cents, said sum being the amount due and unpaid for taxes, costs and charges

on the described lands for the year of our Lord one thousand nine hundred and; that, or his assigns, will therefore be entitled to a deed of conveyance of such lands in accordance with law, unless the same shall be redeemed within two years by payment of said amount, with interest at the rate of twenty-five per cent per annum for the first year and eight per cent per annum thereafter.

Said lands are described as follows, to-wit:

....., in the county of and State of Florida.

Witness my hand at this day of , A. D. 190...

Sec. 58. Immediately after any tax sale, the Tax Collector shall make out a list in triplicate of all the lands sold for taxes, showing the date of the sales, the number of each certificate, the name of the owner as returned, a description of the land sold, the name of the purchaser, and the amount for which sale was made, and the Tax Collector shall append to each of said lists a certificate setting forth the fact that such sale was made in accordance with law. One of such lists shall be forwarded to the Comptroller, and one shall be retained by the Tax Collector. and the third list filed in the office of the Clerk of the Circuit Court, who shall enter the same in a book to be provided by the County Commissioners for that purpose, and he shall be entitled to receive the same fees for such record as is paid for other recording, every five figures to be counted as one word, one-half of such fees to be paid by the State and one-half by the county, which book shall be in the following form, viz:

Tax Collector to make triplicate list of lands sold for taxes.

Fees of Clerk.

Lands sold for taxes in the County.....
on day of , A. D. 190...

1907.

Form.

No. Certificate	Description of Land.	Returned for Assessment by	Name of Purchaser.	Amount of Sales.
1.	N 1-2 S 1, T 4 S R 3, 200 Acres.	George Brown.	\$16,000.00.
2.	Lot 6, Block 4.	J. Black.	9.00.
When Redeemed	By Whom Redeemed.	Amount Paid.	To Whom Decided.	Date of Deed
Oct. 1.	W. Gray,	\$24.00.	J. Black.	190..

1907.

Sec. 59. The Tax Collector of any city or incorporated town shall, unless otherwise provided in this chapter, proceed substantially in the same manner in the collection of taxes and sale of lands and personal property for non-payment of taxes due by any railroad or any telegraph company; they may levy upon and sell any property within the corporate limits of said city or town belonging to such company, other than railroad tracks or telegraph lines.

Procedure
by incorpo-
rated cities
and towns.

Nothing in this act shall be so construed as in any way abridging or limiting powers to assess, levy or collect taxes, licenses or assessments which have been or may be granted to any municipal corporation by special act or charter act, or as limiting such municipal corporation in the method of assessing, levying or collecting the same, to the methods established by this act.

Sec. 60. That cities and incorporated towns, unless their special charters provide otherwise, shall conform to the State law in force with reference to the care, custody, sale and redemption of tax certificates in so far as they may be applicable, and shall record a list of such certificates with the Clerk of the Circuit Court of their respective counties.

Tax Certifi-
cates issued
by cities and
towns.

Sec. 61. When the purchaser of land at a tax sale goes into actual possession of such land, no suit for the recovery of the possession thereof shall be brought by a former owner or claimant, his heirs or assigns, or his or their legal representatives, for the recovery of the possession of such land, unless such suit be commenced within four years after the purchaser at such tax sale goes into possession of the land so bought; and the purchaser at such tax sale, where said real estate is in the adverse actual possession of any person or persons, shall not be entitled to recover possession of such real estate bought at such tax sale unless suit for such recovery shall be brought within one year from the date of acquiring the right to such tax title; and where any purchaser of any real estate situated in this State prior to the passage of this act has not entered into and taken actual possession of the same he shall, within one year after the passage of this act, bring suit for the recovery of the actual possession of the real estate described in such tax title, and in default thereof said tax title shall become void and of no effect;

Limit of
time to com-
mence suit
for recovery
of land.

—G. L.

1907.

provided, That infants, persons of unsound mind or under guardianship or imprisonment may commence suit or proceedings within three years after such disability shall cease. When a recovery is had by any person or corporation of any land sold for taxes under this act, either in an action of ejectment or by bill in equity to set aside the tax, who has not, prior to the sale, paid the taxes thereon for which the land was sold, the person or corporation having such recovery shall pay to the party from whom recovery is had all the taxes he has paid upon the said land at the time of sale and the redemption money thereupon, together with 25 per cent interest for the first year, and all taxes he has paid since said sale, with eight per cent. interest thereupon for the balance of time; also the value of all permanent improvements made upon said land bona fide. The amount due for taxes paid, redemption money and improvements upon the land to be found upon trial for hearing when the recovery is had.

Land bid off
for the
State.

Sec. 62. Where land is bid off by the Tax Collector for the State, the tax certificate shall be issued by the Tax Collector to the State, in the name of the Treasurer, and if the land is not redeemed or the certificate sold by the State, the title to the land shall, at the expiration of the time for redemption, vest in the State without the issuing of any deed, as provided for in other cases, and the certificate shall be evidence of the title of the State, and none of the provisions of this act providing for the issuing of a deed shall apply in such cases, and in all cases in which land or real estate has heretofore been sold or purchased by the State and the certificate has not been sold, or land or real estate not been redeemed, and the time for redemption is passed, it shall not be necessary for the State to procure a deed, but the title shall be held to be in the State, and the certificate shall be evidence of the title the State.

Assessor's
commissions

Sec. 63. The County Assessor of Taxes shall be entitled to receive the following commissions upon the amount of taxes, general or special, assessed, but not on each separately, excluding errors, to-wit:

On the first four thousand dollars, ten per cent; on the next three thousand dollars, five per cent; on the balance, one and one half per cent, which shall be allowed him by the Comptroller, and paid to him by the Treasurer as other Comptroller's warrants are paid; and the County As-

essor of Taxes shall receive the same rate of commission for assessing the county tax, to be allowed by the County Commissioners and paid by the County Treasurer.

When the Tax Book is received by the Comptroller from the County Assessor of Taxes, examined and found to be correct, then the Comptroller shall issue his warrant for four-fifths of the amount of the commissions due the County Assessor of Taxes, reserving the payment of the remaining one-fifth until a report of errors and double assessments is approved by the County Commissioners and a copy thereof filed with the Comptroller and the County Commissioners in their settlement with the County Assessor of Taxes shall proceed in the same manner.

Sec. 64. The Tax Collector shall be entitled to commissions upon the aggregate amount of State taxes, general or special, including licenses collected by him and paid into the State Treasury, but not on each separately, as follows:

Collector's
Commissions.

On the first four thousand dollars, ten per cent; on the next three thousand dollars, five per cent; on the balance, one and one half per cent; and he shall be allowed the same rate of commissions for collecting the county tax. The commissions for collecting the State taxes shall be audited and allowed by the Comptroller and paid by the Treasurer upon warrant therefor; and the commissions for collecting the county taxes shall be audited and allowed by the County Commissioners; and the commissions for collecting the tax for the special tax school district taxes shall be audited and allowed by the County Board of Public Instruction, and shall be at the rate of one and one half per cent on such collections. The commissions for collecting other special taxes shall be allowed by the County Commissioners at the rate of one and one half per cent and paid out of the special taxes so collected. In counties where Assistant County Assessors of Taxes are appointed they may be paid by the county if the County Commissioners shall find that it is to the best interest of the county to do so.

Sec. 65. That nothing in this act shall be construed as to impair the validity of any assessment of taxes assessed prior to the first day of January, 1908, nor of any Tax Collector's warrant that has been or may be annexed to any assessment roll prior to said 1st day of January,

Not to impair validity of any assessment made prior to January 1, 1908.

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1908, nor of any proceedings had or done or that may hereafter be had or done by any Tax Collector for the collection of any taxes assessed before that time, nor shall this act relieve any person from any penalty incurred by reason of violation of the law now in force.

Assessor and County Commissioners must comply with Section 23.

Sec. 66. The County Assessor of Taxes and the Board of County Commissioners of each and every county in this State shall comply with the requirements of Section 23 of this act.

Sec. 67. This act shall go into effect upon its passage.

Approved June 18, 1907.

CHAPTER 5597—(No. 2).

AN ACT Imposing Licenses and Other Taxes, Providing for the Payment Thereof, and Prescribing Penalties for Doing Business Without a License, or Other Failure to Comply With the Provisions Thereof.

Be It Enacted by the Legislature of the State of Florida :

Occupational tax or license.

Section 1. No person, firm or corporation shall engage in or manage the business, profession or occupation mentioned in this act unless a State license shall have been procured from the Tax Collector of the county where the place of business may be located, or State Treasurer, which license shall be issued to each person, firm or corporation on receipt of the amount hereinafter provided, together with the County Judge's fee of twenty-five cents for each license countersigned by him, and shall be signed by the Tax Collector and the County Judge, and shall have the County Judge's seal thereon. Every word importing the singular number only, may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number, and every word importing the masculine gender only, may be extended to and applied to females as well as males. Whenever the word oath is used in this act, it may be held to mean affirmation, and the word swear in this act shall be held to include affirm.

Definition.

1907.

Sec. 2. Counties and incorporated cities and towns may impose such further taxes of the same kind upon the same subjects as they may deem proper, unless otherwise provided in this act, when the business, profession or occupation shall be engaged in within such county, city or town. The tax imposed by such county, city or town shall not exceed fifty per cent of the State tax. But such county, city or town may impose taxes on any business, profession or occupation not mentioned in this act, when engaged in or managed within such county, city or town.

County and
city license.

Sec. 3. No license shall be issued for more than one year, and all licenses shall expire on the first day of October of each year; but fractional licenses, except as hereinafter provided, may be issued to expire on that day at a proportionate rate. All licenses may be transferred, with the approval of the Comptroller, with the business for which they were taken out, when there is a bona fide sale and transfer of the property used and employed in the business as stock in trade; but such transferred license shall not be held good for any longer time or any other place than that for which it was originally issued; Provided, That the original license shall be surrendered to and filed with the County Judge or State Treasurer, as the case may be, at the time application for transfer is made, and such transfer after being approved shall be of the same force and effect as the original license; Provided, further, That the license to sell spirituous, vinous or malt liquors shall be transferred only to a person who has complied with all the prerequisites to obtaining licenses by existing laws, for the sale of spirituous, vinous or malt liquors.

Licenses
must be is-
sued for one
year except
as hereinaft-
er provided.

Transfer of
license.

Liquor
license.

Sec. 4. All licenses shall be payable on or before the first day of October of each year, and no license shall be issued for any fractional portion of a year, except that any license not otherwise specified in this act may be issued after the first day of April to expire October first, upon payment of one-half the amount fixed as the price of such license for one year.

When license
due and how
issued.

Sec. 5. That the following enumerated individual license taxes shall be paid to the State by the persons engaging in, managing or transacting the several occupations or professions named, to-wit:

Individual
license taxes

1907.

SCHEDULE A.

Auctioneers.

Auctioneers in cities or towns of ten thousand inhabitants or more, twenty-five (\$25.00) dollars; less than ten thousand inhabitants and not less than five thousand inhabitants ten (\$10.00) dollars; less than five thousand inhabitants five (\$5.00) dollars.

Abstractors of titles.

Each individual conducting the business of abstracting titles, either in part or whole in counties of five thousand inhabitants or less, shall pay a license tax to the State of ten (\$10.00) dollars; in counties of more than five thousand inhabitants, fifteen (\$15.00) dollars for each county. Each corporation conducting the business of abstracting titles, in counties of three thousand inhabitants or more, shall pay a license tax to the State of twenty-five (\$25.00) dollars for each county. Agents or agencies for the purpose of soliciting orders for or making sales, exchanges or deliveries of, or performing any other service relating to or connected with any of the persons, articles, commodities or transactions named below, to-wit:

Agents or agencies for

Bicycles,
typewriters,
Building and
Loan Asso-
ciations,
Clothiers,
tailors,
monuments,
tombstones,
real estate,
renting or
rent collect-
ing; safes,
sewing ma-
chines,
steamships,
steamboats,
sailing ves-
sels.

Analytical
Chemists,
amusement
parks, archi-
tects, tem-
porary auc-
tion shops.

Agents for bicycles and typewriters, ten (\$10.00) dollars; agents for building and loan associations, local, ten (\$10.00) dollars; agents for building and loan associations, foreign, two hundred (\$200.00) dollars; agents for claim and collections, not taxed as bankers or lawyers, ten (\$10.00) dollars; agents for clothiers or tailors, not taxed as merchants, ten (\$10.00) dollars; agents for monuments and tombstones, local, five (\$5.00) dollars; agents for monuments and tombstones, traveling, fifteen (\$15.00) dollars; each agent or member of agencies for real estate, including renting and rent collecting, ten (\$10.00) dollars; agents for safes, for sale or exchange, twenty-five (\$25.00) dollars; agents for sewing machines, in each county, ten (\$10.00) dollars; agents for steamships, steamboats, twenty-five (\$25.00) dollars; agents for sailing vessels, ten (\$10.00) dollars; analytical chemists, ten (\$10.00) dollars; persons, firms or operating amusement parks with merry-go-rounds, roller coasters, and other amusement places and devices usually found therein, fifty (\$50.00) dollars; architects, twenty-five (\$25.00) dollars; owners or managers of temporary auction shops, one thousand (\$1,000.00) dollars. For the purposes of this act, a temporary auction shop, shall be such an auction shop conducted only during the

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winter tourist season. Brokers dealing in bonds and stocks, twenty-five (\$25.00) dollars; brokers dealing in "futures," one hundred (\$100.00) dollars; brokers dealing in insurance, ten (\$10.00) dollars; brokers dealing in land and land options, ten (\$10.00) dollars; brokers dealing in merchandise, ten (\$10.00) dollars; chiropodist, ten (\$10.00) dollars; civil engineers, ten (\$10.00) dollars; each clairvoyant, palmist or fortune teller, for pay, in each county, one hundred (\$100.00) dollars; commissioner of deeds of other States, five (\$5.00) dollars; commission merchants, ten (\$10.00) dollars; dealers in cash registers or cash carriers, twenty (\$20.00) dollars; dealers in cigars or tobacco, who pay no other license tax, five (\$5.00) dollars; dealers in curios, five (\$5.00) dollars; dealers in dynamite, fifty (\$50.00) dollars; dealers in fresh meats, packed or refrigerated at wholesale, when not connected with an ice factory, in counties of ten thousand inhabitants or more, one hundred (\$100.00) dollars; less than ten thousand inhabitants, fifty (\$50.00) dollars; dealers in furniture, sold on installment, under contract for non-payment thereof, fifty (\$50.00) dollars in cities towns of over ten thousand inhabitants; less than ten thousand inhabitants, ten (\$10.00) dollars; Provided, This shall not apply to persons taxed as merchants: dealers in gasoline or naphtha, wholesale, ten (\$10.00) dollars; dealers in automobiles, automotors, or other horseless vehicles, twenty-five (\$25.00) dollars; dealers in illuminating or lubricating oils, wholesale, twenty-five (\$25.00) dollars for each place of business; proprietor or proprietors of each garage for keeping automobiles, twenty-five (\$25.00) dollars; dealers in junks, fifty (\$50.00) dollars; junk dealers shall keep a full and true record of each transaction of their business, showing from whom each article of their stock was purchased, and to whom sold, and such record shall at all times be subject to the inspection of all police or peace officers. Any violation hereof shall be punished by imprisonment for not more than six months; that dealers in spirituous, vinous or malt liquors shall pay a license tax of one thousand (\$1,000.00) dollars in each county for each place of business; five hundred (\$500.00) dollars shall go to the county and five hundred (\$500.00) dollars to the State; and any incorporated town or city shall require an additional tax of two hundred and fifty (\$250.00) dollars; Provided, That whenever any such place of busi-

Brokers.

Chiropodist.

Clairvoyant.

Commissioner of Deeds.
Dealers in cash registers, cigars or tobacco.

Dynamite.
Fresh meats.

Furniture.

Provido.

Dealers in gasoline or naphtha, automobiles, automotors, illuminating or lubricating oils; garage, junk dealers.

Penalty.

Dealers in spirituous, vinous or malt liquors.

Provido.

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No fractional
license.

Permit must
be obtained.

Penalty for
Tax Collec-
tor failing to
collect full
amount.

Distillers of
spirituous
and brewers
of malt
liquors.

Proviso.

ness is located outside the corporate limits of any city or town, the owner or owners of such business shall pay a county license tax to the county where the business is located equal in amount to the sum total of the license tax that would be assessed for both the municipality and county for each such place of business, if such business were located within the limits of a city or town; Provided, further, That no fractional license shall be issued for State, county or municipal purposes to dealers in spirituous, vinous or malt liquors. The dealers paying the same and receiving a license therefor shall be authorized to sell spirituous, vinous or malt liquors, or any such liquors, but neither spirituous, vinous or malt liquors shall be permitted to be sold unless said license tax is first paid and a license therefor taken out; and, Provided, further, That no such license shall issue until a permit to sell such spirituous, vinous or malt liquors has been procured for the district for which such license is sought, as required by the Constitution and Laws of this State. If any Collector of Taxes shall allow any liquor license to be paid for in installments, or if any Collector of Taxes shall issue any license without having first been paid the face value of said license, such Collector of Taxes shall be removed from office by the Governor.

Sec. 6. That distillers of spirituous and brewers of malt liquors shall pay to the State a license tax of five hundred (\$500.00) dollars in each county for each place of business; Provided, That nothing in this act shall be so construed as to require a license tax from any person who shall manufacture wines, or brandies, from sweet potatoes or other products of vines, fruit trees, or strawberry bushes, and pineapples grown in this State; Provided, That no license shall be issued to any person to sell or distill spirituous, vinous or malt liquors in any county or election district when such sale has been prohibited in pursuance of the Constitution and Laws of this State; Provided, further, That no license issued to distillers of spirituous and brewers of malt liquors shall be so construed as to permit such distiller or brewer to sell the products in quantities of less than fifty gallons of spirituous or ten gallons of malt liquors, either in bottles or casks, except to regular licensed liquor dealers.

Sec. 7. Persons associating themselves together as a club, whether incorporated or not incorporated, and sell-

1907.

ing spirituous, vinous, or malt liquors, or any preparation composed wholly or in part of such liquors, to its members and to its non-resident guests only, shall pay a license tax as follows: If composed of less than seventy-five members, one hundred (\$100.00) dollars; if composed of more than seventy-five members and less than one hundred and fifty members, one hundred and fifty (\$150.00) dollars; Provided, That this Section shall not apply to a club, incorporated or unincorporated, used for the purpose of evading the payment of license tax on liquors as hereinbefore provided, but such clubs shall be subject to the payment of license tax of one thousand (\$1,000.00) dollars as hereinbefore specified. The President, Vice-President or Secretary and Treasurer, or officers of corresponding duties, by whatever name they may be called, of any club required by this paragraph to pay license tax, shall be required to see that such license shall be paid, and in default thereof, shall each be personally liable to the punishment provided by this act for non-payment of the license required hereby.

Clubs selling spirituous, vinous or malt liquors must pay license tax.

Proviso.

Sec. 8. That makers of domestic wines or domestic brandies shall be permitted to sell the same in quantities of not less than one quart without being considered dealers in liquors; Provided, That should any maker of domestic wines mix the same with any other liquors, or adulterate the same, he shall be considered a dealer in liquors, and shall be required to take out a license as a liquor dealer; Provided, That the selling of such wines, beer, cider or any other intoxicating drinks on Sunday is expressly prohibited; any person so selling shall be guilty of a misdemeanor, and, upon conviction, be fined in the sum of one hundred dollars, or be imprisoned in the county jail sixty days for each offense; Provided, further, That druggists may sell such mixtures as are made official in the United States dispensatory without being required to take out a license to sell spirituous, vinous or malt liquors; that dealers in spirituous, vinous or malt liquors who carry on or conduct business on any boat, vessel or railroad car in this State, shall be required to take out one State and county license for each boat, or vessel or railroad car in which their business is carried on, which shall be taken out in the county where the principal business of each boat, vessel or railroad car is located, and which license shall authorize them to sell

Makers of domestic wines or brandies must not sell on Sunday.

Penalty.

What druggist may sell liquors.

Dealers on boats or cars.

1907.

Limitations.

Not good on
Sunday and
Collector
must so
write on
liquor license

Prima facie
evidence of
sale of
liquors.

Penalty.

Duty of
State Attor-
ney and
County So-
licitor.

liquor anywhere along its line of travel; Provided, That if they sell liquors to other persons than the passengers or crew of such boat, vessel or railroad car at any stopping point or landing in any other county than the one in which they obtain license they shall be subjected to the license required to be paid by liquor dealers in such county, city or town at which they may have stopped or landed. When the principal business office of such boat, vessel or railroad car is not located in this State, the license herein required shall be taken out in the county in which they first engaged in the business of selling liquors. Provided, That no license issued under the provisions of this act shall allow the holder thereof to sell such liquors as described in this act between the hours of 12 o'clock Saturday night, and 12 o'clock Sunday night, and the collector issuing any license under this act shall have written upon its face in red ink the words: "This license does not allow the holder to sell liquors between the hours of 12 o'clock Saturday night and 12 o'clock Sunday night," and if the holder sells liquors at times in which this act prohibits the selling of the same, he shall be deemed guilty of selling liquors without a license; Provided, That if any door of any place where such liquors, wines or beers are sold, be opened on Sunday, except to admit the owner, or if any person other than the owner go into such place on Sunday, it shall be prima facie evidence of the sale of such liquors. That any person or persons who shall engage in the sale of such liquors in this State as provided in this act without first having procured a license as provided in this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the sum of not less than two hundred and fifty dollars, nor more than one thousand dollars, and be imprisoned in the county jail for not less than thirty days nor more than six months, and it shall be the duty of the State's Attorneys and County Solicitors to file information against any party violating the provisions of this act. No license shall authorize any person, dealer or agent to sell, accept or solicit orders for or deliver any spirituous, vinous or malt liquors in any mill, manufactory, phosphate plant or turpentine still, or upon the premises or land of the owner or operator of such mill, manufactory, plant or still, or upon any private or public road passing through such premises or land, or in any county or voting

1907.

precinct where the sale of such spirituous, vinous or malt liquors is prohibited by law, and any persons, dealer or agent so selling, soliciting, accepting or delivering shall, upon conviction, be punished as for a sale of liquors without license.

Limitation and penalty.

Dealers in oleomargarine or butterine, wholesale, handling original packages only, twenty dollars.

Oleomargarine or butterine.

Dealers in pistols, bowie knives, sling shots or brass knuckles, Springfield rifles, repeating rifles, dirk knives, fifty (\$50.00) dollars; Provided, said pistols, Springfield rifles, or other repeating rifles, bowie knives or dirk knives, brass knuckles and sling shots shall not be sold to minors. Every violation of this section shall be punished by a fine of fifty dollars or by imprisonment in the county jail not more than six months.

Pistols, bowie knives, sling shots, brass knuckles, rifles and dirk knives.

Dealers in second-hand clothing for each place of business, twenty-five dollars; Provided, That merchants paying a regular license shall not be required to pay this license.

Dealers in second-hand clothing.

Dealers in second-hand boots and shoes, ten dollars for each place of business.

Dealers in second-hand boots and shoes.
Dentist.

Each dentist, permanently located, ten dollars.

Each traveling dentist, ten dollars.

Distillers and manufacturers of spirits of turpentine and rosin, for each still in operation during any portion of the year for which the same is taxed, on each still with a capacity of 16 barrels or less shall pay to the State a license tax of \$20.00; for over 16 and not more than 20 barrels, shall pay to the State a license tax of \$35.00; for over 20 barrels and not more than 25 barrels, shall pay to the State a license tax of \$45.00; for over 25 barrels shall pay to the State a license tax of \$65.00.

Distillers and manufacturers of turpentine and rosin.

Owners, operators or managers of turpentine stills shall return to the Collector of Revenue annually the capacity of each still owned, operated, or managed by them, making oath to the truth of such return. Any owner, operator or manager who shall fail to make such return, under oath, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars.

Turpentine stills.

Penalty.

Drovers selling at auction, or otherwise, ten dollars in each county.

Drovers.

Dealers in electrical machinery or supplies for profit, ten dollars for each place of business in every town of

Electrical machinery or supplies.

1907.	more than 5,000 inhabitants; under 5,000 inhabitants, five dollars.
Green gro- cers.	Green grocers and dealers in fresh fruits and nuts, three dollars for each place of business.
Hypnotists.	Hypnotists, professional, one hundred dollars.
Hawkers or street ven- dors of med- icine.	Hawkers or street vendors of medicine, drugs, or patent medicines, one hundred dollars in each city, town or place, and for each day they attempt to sell.
Lawyers.	Each lawyer, ten dollars.
Merchants, storekeepers and drug- gists.	Merchants, storekeepers and druggists for each one thousand dollars or fraction of one thousand dollars of stock of merchandise, three dollars in each county and for each place of business. Any merchant keeping sewing machines in stock for sale in the same manner as other merchandise shall not be taxed as a sewing machine agent or dealer.
Mental heal- ers.	Mental healers, or all persons claiming to heal by ab- solute treatment, two hundred dollars; Provided, That noth- ing in this clause shall be construed as affecting the mem- bers of any Christian denomination who pray for the recovery of the sick.
Proviso.	
Oculists.	Each oculist, permanently located, ten dollars. Each oculist, traveling, fifteen dollars in the county is- suing the license, but no additional license shall be col- lected in any other city, town or county.
Opticians.	Each optician, permanently located, five dollars. Each optician, traveling, fifteen dollars in the county issuing the license, but no additional license tax shall be collected in any other county.
Osteopath.	Each osteopath, ten dollars.
Pawnbrok- ers.	Pawnbrokers, for each place of business, one hundred dollars. Pawnbrokers shall keep a complete and true record of all their transactions, showing from whom each article of their stock was purchased and to whom the same was sold, which record shall at all times be subject to the in- spection of all peace or police officers. Any violation here- of shall be punished as a misdemeanor by imprisonment for not more than six months. Persons, firms and corporations engaged in the business of ferrying passengers or freight in cities and towns of over ten thousand inhabitants, shall pay a license tax of one hundred dollars; in cities and towns of less than
Ferrying passengers or freight.	

ten thousand inhabitants shall pay a license tax of twenty-five dollars.

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Peddlers and hawkers of merchandise not otherwise enumerated specifically herein, one hundred dollars.

Peddlers or hawkers.

Peddlers of stoves and ranges and clocks, sold from wagons, for each county, fifty dollars.

Peddlers of stoves, ranges and clocks.

Owners, operators or managers of each boat used wholly or in part for peddling, of less than forty feet long, ten dollars; more than forty feet long, thirty dollars.

Peddling boats.

All boats or vehicles engaged in the sale of vegetables or fresh meats, the product of the farm or plantation, and which is butchered upon the farm, and plantation products, fish and oysters, shall not be considered as peddling boats or vehicles.

Exemption.

Each phosphate plant of not more than twenty tons daily capacity, ten dollars; not less than twenty nor more than thirty-five tons daily capacity, fifteen dollars; not less than thirty-five nor more than fifty tons daily capacity, twenty-five dollars; not less than fifty nor more than sixty-five tons daily capacity, forty dollars; more than sixty-five tons daily capacity, seventy-five dollars.

Phosphate plants.

Each piano tuner, three dollars, in each county.

Piano Tuner.

Each photographer permanently located, five dollars.

Photographer.

Each photographer, itinerant, ten dollars.

Each person selling any patent right, or any right to sell patent rights, in each county, twenty-five dollars.

Selling patent rights.

Ship brokers, ten dollars.

Ship brokers.

Stevedores, fifteen dollars in towns or cities of over 5,000 inhabitants; less than 5,000 inhabitants, five dollars. Any person employing other men than the articulated crew of the vessel which he owns or commands, in loading or discharging any water craft of any kind in this State, shall, for the purpose of this act, be deemed a stevedore.

Stevedores.

Every street doctor or dentist, or any itinerant vendor of any drug, ointment or appliance of any kind intended for the treatment of any disease or injury or deformity, by any drug, nostrum or manipulation or other expedient, shall pay a license tax of fifty dollars.

Street doctor, dentist or itinerant vendor of drugs, etc.

Undertakers not embalmers, in cities of 5,000 inhabitants or more, twenty-five dollars; less than 5,000 inhabitants, fifteen dollars.

Undertaker.

1907.

Undertaker
and em-
balmer.
Watchmak-
er, etc.

Undertakers and embalmers, seventy-five dollars in cities of 5,000 inhabitants or more; less than 5,000 inhabitants, fifteen dollars.

Watchmakers and repairers of jewelry, five dollars.

The owners, managers or agents of each of the following enumerated institutions, establishments, appliances and apparatus for the transaction of business or the entertainment or accommodation of the public for profit, shall pay the State license taxes set opposite their respective designations or definitions in Schedule B, below, to-wit:

SCHEDULE B.

Bakers.

Bakers, other than steam, not otherwise taxed as merchants, \$3.00.

Bakers,
steam.

Bakers, steam, not otherwise taxed as merchants, \$10.00.

Banks,
bankers,
persons,
firms or
brokers do-
ing a bank-
ing business.

Banks, bankers, persons, firms or brokers doing a banking business, whether incorporated or not, with a capital stock of one million dollars or over, \$300.00.

Less than \$1,000,000 and not less than \$500,000, \$200.00.

Less than \$500,000 and not less than \$250,000, \$150.00.

Less than \$250,000 and not less than \$100,000, \$50.00.

Less than \$100,000 and not less than \$50,000, \$25.00.

Less than \$50,000 and not less than \$10,000, \$15.00.

Every incorporated bank, or other bank, and every person, firm or company having a place of business where credits are open for the deposit or collection of money or currency, subject to be paid or remitted upon drafts, checks or orders or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange or promissory note, or received for discount or for sale, shall be regarded as a bank or bankers, and subject as such to the provisions of this act.

Barber
shops.

Barber shops, running one chair, two dollars; for each additional chair, fifty cents.

Billiard or
pool tables.

Billiard or pool tables, kept for public use or profit and connected with a licensed barroom, fifty dollars for each table.

Billiard or pool tables, outside of and disconnected with a barroom or the property of a barroom kept for profit, shall pay a license tax of fifteen dollars for each table; Provided, That if any holder of a license under this clause shall permit minors to play at such tables in any place where liquors are sold, he shall forfeit such license,

and shall be deemed guilty of a misdemeanor, and punished by imprisonment in the county jail not exceeding the term of six months; and, Provided, That if any holder of a license under this act shall permit any person to play billiards or pool or any other game for money, or any other thing of value upon tables licensed under this act, he shall be deemed guilty of a misdemeanor, and upon conviction, be punished by imprisonment for not exceeding six months in the county jail, or by fine not exceeding one hundred dollars. Penalty.

Boarding houses, lodging houses or hotels having accommodations for three hundred or more lodgers or boarders, two hundred dollars. Boarding houses, lodging houses and hotels.

Two hundred to three hundred lodgers or boarders, \$150.00.

One hundred to two hundred lodgers or boarders, \$100.00.

Seventy-five to one hundred lodgers or boarders, fifty dollars.

Fifty to seventy-five lodgers or boarders, twenty-five dollars.

Twenty-five to fifty lodgers or boarders, fifteen dollars.

Fifteen to twenty-five lodgers or boarders, ten dollars.

Ten to fifteen lodgers or boarders, five dollars.

Accommodations for lodgers shall be construed to mean the number of beds habitually kept for such lodgers and not the number of rooms contained in the house.

Boiler and machine shops and foundries connected, fifteen dollars. Boiler and machine shops and foundries.

Bottling works and soda water factories, in cities or towns of 10,000 inhabitants and over, thirty dollars. Bottling works and soda water factories.

Less than 10,000, and more than 5,000 inhabitants, twenty dollars.

Less than 5,000 inhabitants, ten dollars.

Brick yards or factories, ten dollars. Brick yards.

Building and loan associations, foreign, five hundred dollars. Building and Loan Associations.

Building and loan associations, local, twenty-five dollars.

Carriage and wagon factories, including repairing, three dollars; carriage repositories not connected with factories, ten dollars. Carriage and wagon factories.

Cold storage plants not connected with ice factories, for profit, ten dollars. Cold storage plants.

1907.

Concert
halls, etc.,
where
liquors are
sold or va-
riety per-
formances
given.
Cotton seed
oil m.l.s.
Electric
power
plants.

Concert halls, pleasure parks, or roof gardens, dance halls, where liquors, wines or beer are sold or variety performances, musical or otherwise, are given, or where females are employed as waiters, fifty dollars.

Cotton seed oil mills, one hundred dollars.

Electric power plants, companies, firms or corporations, with a capital stock of \$200,000 or more, \$200.00.

Less than \$200,000 and more than \$100,000, \$100.00.

Less than \$100,000 and more than \$50,000, \$50.00.

Less than \$50,000 and more than \$25,000, \$25.00.

Less than \$25,000 and more than \$10,000, \$15.00.

Less than \$10,000, \$7.50.

Proviso.

Provided, That electric light plants furnishing both power and lights shall only be required to pay one license.

Express
companies.

Express companies, seven thousand five hundred dollars, to be paid to the Comptroller on the 1st day of October of each and every year, in lieu of State and county license taxes.

Express
companies,
city or town
license.

That any city or town in the State of Florida is hereby authorized to impose upon any express company doing business in this State having an office in such city or town, a license tax not to exceed the sum hereinafter mentioned, namely:

In cities of 20,000 inhabitants or more, \$200.00.

In cities of 15,000 to 20,000 inhabitants, \$100.00.

In cities of 10,000 to 15,000 inhabitants, \$75.00.

In cities of 5,000 to 10,000 inhabitants, \$50.00.

In cities of 3,000 to 5,000 inhabitants, \$37.50.

In cities of 1,000 to 3,000 inhabitants, \$25.00.

In towns or villages of 500 to 1,000 inhabitants, \$12.50.

In towns or villages of 250 inhabitants, \$6.00.

Duty of
Comptroller.

For purposes of this act the population of any city or town or county shall be held to be that shown by the last official census taken by the United States or the State of Florida or that may be taken as now provided by law. That of the sum paid to the Comptroller as provided by this act thirty-seven hundred and fifty dollars shall be distributed by the said Comptroller among the various counties of this State in proportion to the assessed valuation thereof as shown by the assessment of the previous year and the remaining thirty-seven hundred and fifty dollars shall be turned over to the Treasurer of the State of Florida as license money.

The superintendent of any express company violating

1907.

the provisions of this act and any person who knowingly acts as agent for any express company before it has paid the above license tax payable by said company shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished respectively by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment, in the discretion of the court. The license tax herein specified shall be due and payable on October 1, 1907, and on the corresponding day of each year thereafter.

Express
company.
penalty.

Foundries, not connected with machine shops, ten Foundries.
dollars.

Fishing—Any foreign or non-resident corporation, company, firm or person engaged in the business of shipping fish beyond the limits of this State shall pay a license tax of two hundred dollars for each place of business.

Shipping
fish.

Any domestic corporation, company, firm or person engaged in the business of shipping fish beyond the limits of this State shall pay a license tax of five dollars for each place of business.

Ice factories, including cold storage plants connected therewith, and the right to sell at wholesale and retail, with the capacity of ten tons per day or less, ten dollars.

Ice facto-
ries, includ-
ing cold
storage
plants.

Ten to twenty tons per day, fifteen dollars.

Twenty to thirty tons per day, twenty-five dollars.

Thirty to sixty tons per day, fifty dollars.

Sixty to one hundred tons per day, fifty dollars.

One hundred to one hundred and fifty tons per day, one hundred dollars.

More than one hundred tons per day, two hundred dollars.

That each insurance company, or association, firm or individual doing business in this State, including corporations or associations engaged in the business of insuring against fire, indemnity, accidents to the persons, acting as surety upon bonds, guaranteeing the fidelity of employees, and insuring employers against liability for accident to employees, and life insurance companies shall pay to the State Treasurer a license tax of two hundred dollars; plate glass insurance companies shall pay to the State Treasurer a license tax of fifty dollars; and in addition thereto each of said companies shall, upon the

Insurance
companies,
associations,
firms or in-
dividuals do-
ing insur-
ance busi-
ness,

license and
percentage
on gross re-
ceipts.

1907.

1st day of January after the passage of this act, and on the first day of each succeeding January thereafter pay to the State Treasurer two per cent of the gross amount of receipts of premiums from policyholders in this State.

Companies or associations doing business under Chapter 5459, Laws of Florida, Acts of 1905, shall pay to the State Treasurer two per cent of the gross amount of receipts from policyholders in this State.

Must report to State Treasurer names of agents, and pay license therefor. Each insurance company, or association, mentioned in this act, doing business in this State, shall, upon the 1st day of October, after the passage of this act, and upon the first day of each succeeding October, furnish to the State Treasurer the name and address of each agent or solicitor authorized to write insurance in this State; for each local agent or solicitor, each insurance company shall pay to the State Treasurer a license tax of five dollars, and it shall be the duty of the State Treasurer to transmit to the County Tax Collector the name and address of every such agent as resides respectively in such county. Counties, cities and towns may require a license tax of any such agent not to exceed fifty per cent of the State tax.

Insurance traveling agents.

That each insurance company shall pay to the State Treasurer for each traveling agent or solicitor doing business in this State a license tax of twenty-five dollars for each such agent. Counties, cities and towns may require from any such traveling agent or solicitor a license tax of five dollars for each county, city or town he does business in.

Insurance adjuster.

For each insurance adjuster, whether resident or non-resident, who has not paid a license as agent or traveling agent, who adjusts insurance losses in this State, each insurance company shall pay a license tax of ten dollars.

Insurance rate-maker or rate agents.

For each insurance rate-maker or rate agent, traveling in this State, who makes, fixes or recommends the fixing or adjustment of rates in this State, each insurance company represented by him, or whose rates are affected by his services, whether such company is operating alone or as a member of any association or combination of companies, shall pay a license tax of twenty-five dollars.

Job printing.

Job printing offices, running by power, five dollars.

Launches, etc.

Launches, steam, electric or naphtha, for hire or public use, five dollars.

Laundries.

Laundries, steam, ten dollars.

Laundries, Chinese, ten dollars.

Lenders of money, either persons, firms, corporations, associations or their agents, not taxed as bankers, doing business of lending or advancing money for which interest, inspection fees, or other remuneration is charged, in excess of ten per cent per annum, secured by mortgages, bill of sale, power of attorney, or other legal transfer of personal property as security for any such loans or advances; or any persons, firm, corporation or association doing the business of securing such loans or advances for borrowers upon any such securities and charging such borrowers commissions, inspection or other fee for their services, where such business is carried on or conducted in cities or towns of 3,000 inhabitants or more, shall pay to the State a license tax of \$200.00 for each place of business maintained.

Money
Lenders.

Livery, feed or sale stables, keeping for hire, feed or public use not more than five horses and mules, \$5.00.

Livery, feed
or sale sta-
bles.

More than five and less than ten horses and mules, \$7.50.

More than ten and less than twenty horses and mules, \$12.50.

More than twenty and less than twenty-five horses and mules, \$20.00.

More than twenty-five horses or mules, \$40.00.

Lunch stands, or eating houses at railroad depots, in towns of 20,000 or more inhabitants, \$50.00.

Less than 20,000 and more than 10,000 inhabitants, \$25.00.

Less than 10,000 and more than 5,000 inhabitants, \$15.00.

Less than 5,000 inhabitants, \$5.00.

Machine and repair shops, for public use, \$10.00.

Machine and
repair shops.

Lung testers, striking machines, weighing machines, phonographs, graphophones, music boxes, chewing gum stands, automatic penny-in-the-slot machines, when operated for profit, each five dollars. Provided, That no license issued under this act shall be construed to authorize any such machine or device to be used in any game of chance. Provided, further, That places commonly called Penny Arcades, or Amusement Parlors, having fifteen or more of such machines or other devices of similar character shall pay to the State in lieu of all other State license tax the sum of \$25.00.

Lung test-
ers, striking
or weighing
machines.
Phono-
graphs,
grapho-
phones, mu-
sic boxes,
chewing
gum stands.
Or penny-in-
the-slot ma-
chines.
Penny ar-
cades or
amusement
parlors.

1907.	Manufactories of barrels, tubs and buckets, by machinery, twenty-five dollars.
Manufactories, Barrels, tubs and buckets. Turpentine barrels.	Manufacturers of turpentine barrels, for each factory, twenty-five dollars.
Candy or Candies.	Manufactories of candy or candies, five dollars.
Vegetable crates or fruit crates.	Manufactories of vegetable crates or fruit crates, fifteen dollars.
Sash, doors or blinds.	Manufactories of sash, doors or blinds, twenty-five dollars.
Cigars or tobacco.	Manufactories of cigars or tobacco, having a capital of \$10,000 and less than \$20,000, \$10.00; of \$20,000 and less than \$40,000, \$15.00; of \$40,000 and less than \$60,000, \$20.00; of over \$60,000, \$30.00.
Fiber.	Manufactories of fiber, ten dollars.
Furniture.	Manufactories of furniture, five dollars.
Harness and saddlery.	Manufactories of harness and saddlery, five dollars.
Terra cotta.	Manufactories of terra cotta, five dollars.
Merry-go-rounds.	Managers of merry-go-rounds, twenty-five dollars for each county.
Owners of marble yards.	Owners of marble yards, ten dollars.
Mercantile agencies.	Mercantile agencies, one hundred dollars.
Messenger service system.	Messenger service system, fifty dollars in cities of over 10,000 inhabitants.
Moss factories.	Moss factories, inside of corporate limits of any city or town, ten dollars.
News companies.	News companies, fifty dollars; Provided, That this shall not apply to news dealers. For each agent employed to travel and sell on trains, five dollars.
Naval stores or naval stores corporations.	Naval stores or corporations, organized for the purpose of handling naval stores, with a capital stock of not less than two million dollars, four hundred dollars. Not less than one or more than two million dollars, two hundred dollars. Less than one million dollars, one hundred and fifty dollars.
Planing mills.	Planing mills and novelty works, fifteen dollars. Planing mills, including drying kilns, not connected with saw mills, ten dollars.
Restaurants and public eating saloons.	Restaurants and public eating saloons, having accommodations for seating twenty-five or more persons, twenty-five dollars. Less than twenty-five persons, ten dollars.

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Saw mills, including planing mills or drying kilns, with a daily output of ten thousand feet or less, five dollars.

Saw mills,
planing mills
or dry kilns.

More than ten thousand and less than twenty-five thousand feet, ten dollars.

More than twenty-five thousand and less than fifty thousand feet, twenty dollars.

More than fifty thousand feet, thirty dollars.

Shingle mills, whether connected with saw mills or not, having a daily capacity of 25,000 shingles or more, twenty-five dollars.

Shingle
mills.

Less than 25,000 shingles per day, five dollars.

Ship yards, marine railways, or dry docks, twenty-five dollars.

Ship yards,
marine rail-
ways or dry
docks.

In counties of less than 10,000 inhabitants, ten dollars.

Owners or managers of shooting galleries, five dollars.

Shooting
galleries.
Slaughter
pens.

Owners or managers of slaughter pens, fifteen dollars.

In counties of less than 10,000 inhabitants, five dollars.

The foregoing provisions shall not apply to one butchering his own cattle.

Shows or circuses exhibiting or giving a performance within tents, whether covered or uncovered, with or without horses, in cities of ten thousand inhabitants or more, one hundred dollars.

Shows or
circuses.

Less than ten thousand inhabitants and more than five thousand inhabitants, fifty dollars.

Less than 5,000 inhabitants, twenty-five dollars.

Dog or pony shows, charging twenty-five cents or less admission, and using no other animal and giving no other kind of performance, ten dollars.

Dog or pony
shows.

Charging more than twenty-five cents admission, thirty dollars.

Skating rinks or bicycle rinks or bowling alleys, ten dollars.

Skating
rinks, bi-
cycle rinks
or bowling
alleys.

In towns of less than five thousand inhabitants, five dollars.

Sleeping and parlor cars, twenty-five dollars for each car.

Sleeping
and parlor
cars.

With buffet, forty dollars for each car.

Dining cars, twenty dollars each.

Dining cars.

Street shows, Performances or Carnivals—For each tent or other structure and for each day, five dollars.

Street shows
or carnivals.

All small shows, other than circuses, theatrical or vaudeville given under a tent shall pay a license tax of five dollars.

Other shows.

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Penalty for
hauling or
operating
car without
license.

Any train conductor, or any conductor of any sleeping car, parlor, buffet or dining car, who hauls or operates any such car within this State without such license, or who fails or refuses to exhibit such license when required by any collector of revenue in any county in this State shall be guilty of a misdemeanor, and shall be punished therefor by a fine of not more than five hundred dollars, or by imprisonment for not more than sixty days for each offense.

Steamboats
or steam fer-
ries.

All steamboats or steam ferries engaged in the business of transporting passengers or freight in the waters of this State shall pay a license tax of fifty dollars to the Tax Collector of the county where their principal office is located, or to the collector at the terminus of their route in this State if their principal office is located out of the State.

Penalty.

Any owner or manager of any boat or vessel violating the provisions of this act, or refusing to show his, her or their license to any collector upon request to do so shall be liable to have his vessel levied upon by the Tax Collector of the county where the boat may be, and sold for non-payment of such license and the costs that may accrue, the same as personal property; Provided, however, That any steamer having paid the tax upon a regular tonnage assessment in any county in this State, shall be exempt from the provisions of this act; Provided this exemption shall not apply to steam ferries.

Soda or min-
eral water
fountains.
Telegraph
systems or
lines.

Soda water or mineral water fountains, not connected with other business, ten dollars.

Telegraph systems, including cable lines owned by any person, firm, corporation or company operating in this State shall pay a license tax to the Comptroller of fifty cents per mile, one-half of which shall be paid to each county in which or through which said telegraph line runs, in proportion to the mileage in any such county, and no further license tax shall be imposed by any county or municipality. The mileage of telegraph lines shall be based upon the actual distance from point to point and not upon the number of miles of wires.

Telephone
systems.

Telephone systems with one hundred instruments or more, owned by any person, firm, corporation or company operating in this State for profit shall pay a license tax of twelve and one-half cents for each instrument or phone installed; Provided, such license shall not exceed in total

1907.

amount the sum of two hundred dollars, and provided, further, that in towns of less than 2,000 inhabitants such license tax shall not exceed in total amount the sum of fifteen dollars.

Theater buildings fitted with scenery and kept for theatrical and other exhibitions, in cities or towns of 20,000 inhabitants or more, two hundred dollars. Theaters.

Fifteen thousand to twenty thousand inhabitants, \$150.00.

Ten thousand to fifteen thousand inhabitants, \$100.00.

Five thousand to ten thousand inhabitants, \$50.00.

Two thousand to five thousand inhabitants, \$25.00.

Less than two thousand inhabitants, \$10.00.

Theatrical shows or traveling players and minstrels, other than those taxed as circuses, for each performance, in cities or towns of ten thousand or more inhabitants, \$25.00. Theatrical shows or traveling players and minstrels.

Less than ten thousand inhabitants, fifteen dollars: Provided, That managers of theaters or halls employing traveling troupes, theatrical, operatic or minstrel, giving performances in buildings fitted up for such purpose, shall be allowed to give as many performances in such building or theater as they wish on payment of the following license:

In cities or towns of twenty thousand or more inhabitants, two hundred dollars per annum; in cities or towns of fifteen to twenty thousand inhabitants, one hundred and fifty dollars per annum; in cities or towns of ten to fifteen thousand inhabitants, one hundred dollars per annum; in cities or towns of five to ten thousand inhabitants, fifty dollars per annum; in cities or towns of less than five thousand inhabitants, ten dollars per annum; Provided, however, That this section shall not apply to local amateur performances. Provido. Provided, further, That this act shall not apply to any hall owned or used by any charitable or fraternal organization.

Traveling picture agents shall pay to the State a license tax of ten dollars in each county; Provided, That agents for the sale of religious books only shall not be required to pay a license tax. Traveling picture agents.

Traveling dealers without license who shall bargain or sell any goods, wares or merchandise, including beers, wines or liquors, for cash or otherwise, by sample or in any other manner, for present or future delivery to any Traveling dealers.

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When deemed
a peddler.

Proviso.

License.

Trading
stamps.Water com-
panies.Gas and
electric light
plants.

Proviso.

person whatsoever, by himself or agent or agents, following after to deliver and collect for same, except a licensed dealer, shall be deemed a peddler under this act. This act shall include peddlers of clocks, stoves or ranges, and sewing machine agents, whether selling by sample or on future delivery, or otherwise; Provided, That permanent or locally established agents shall be exempt from the provisions of this section.

Traveling dealers going from place to place, selling goods, wares or merchandise of all descriptions, shall pay to the State a license tax of fifty dollars in each county, and it shall be unlawful for such person or dealers to sell or attempt to sell under and by virtue of the license of any other licensed dealer, storekeeper or druggist. Provided, This clause does not apply to articles manufactured in the State of Florida and sold to dealers only by the producers or manufacturers thereof.

Trading stamp firms, persons or corporations, known as trading stamp companies, shall pay to the State a license tax of one thousand dollars in each county where they transact any business. Merchants using trading stamps shall pay to the State a license tax of two hundred and fifty dollars for each place of business where they use such stamps.

Water companies in cities or towns of a population of less than 2,500, \$50.00; 2,500 to 5,000 \$75.00; 5,000 to 10,000, \$100.00; above 10,000, \$150.00.

For the purpose of this act, any person or persons, partnership or corporation furnishing water for profit shall be construed to be a water company.

Gas Plants, Electric Light Plants—Any person, firm or corporation furnishing lights, either gas or electric, having a capital of \$250,000 or more, shall pay a license tax of \$150.00; \$100,000 or more and less than \$250,000, \$100.00; \$100,000 and more than \$50,000, \$75.00; \$50,000 and more than \$25,000, \$50.00; \$25,000 and more than \$10,000, \$20.00; less than \$10,000, \$10.00; Provided, further, That any individual, company, firm or corporation

furnishing gas or electricity to its customers and making a charge by meter and who shall make a minimum charge without reference to the meter shall pay a license tax of fifty per cent more than if above set out; Provided, however, the above proviso shall not apply to companies or individuals who furnish meters with-

1907.

out cost to places of business and residences; Provided, further, That persons, firms and corporations, engaged in a manufacturing business, and not doing a regular lighting business may furnish electricity as power, for neighboring factories or plants, without a license.

Sec. 9. That all confirmed cripples physically incapable of manual labor shall be allowed to peddle without paying a license, using their own capital only, not in excess of five hundred dollars, in counties in which they live; Provided, such exemption shall be allowed only upon the certificate of the county or other reputable physician of the disability herein named; Provided, this exception shall not apply to the sale of spirituous, vinous or malt liquors.

Exemptions.

Sec. 10. It shall be the duty of the Tax Collector before issuing a license based on a property valuation or capital stock capacity of production or other contingency to require the party applying for said license to file under oath duly authenticated a statement of the value of the property or amount of the capital stock or capacity of production, which statement under oath properly authenticated shall be attached to the monthly report of licenses made to the Comptroller. A failure on the part of the Tax Collector to require and attach said oath as aforesaid shall be cause for suspension from office, and it is hereby made the duty of the Comptroller to report all such failures to the Governor on receipt of the license report.

Duty of Tax Collector before issuing license and afterwards.

Penalty.

Sec. 11. Any person or persons, firm or corporation or association that shall carry on or conduct any business or profession for which a license is required, by either this or any other act, without first obtaining such license, shall, except in such cases as are otherwise provided by law, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than double the amount required for such license. The payment of all license taxes shall be enforced by the seizure and sale of the property by the Collector; or in case of State license taxes payable either to the State Treasurer or the Comptroller, by the State Treasurer or the Comptroller, as the case may be; and it is hereby made the duty of the Tax Collectors and County Judges to report to the Comptroller and State's Attorneys any violation of this act. Any person or persons, firm or corporation or association, that shall sell or cause to be sold or keep for sale any spirituous, vinous or malt liquors, without first paying the

Penalty for conducting any business or profession without a license.

1907.

Officers may
enter build-
ing without
warrant.

license required in this act, shall, upon conviction, be fined in a sum not less than two hundred and fifty dollars, nor more than one thousand dollars, and be imprisoned in the county jail not less than six months. Sheriffs and Deputy Sheriffs and Collectors and Deputy Collectors and any police officer of any incorporated city or town are authorized and empowered without warrant to enter any building where they have cause to suspect such liquors are kept for sale, and to seize the same and arrest the parties so engaged, and one hundred dollars of the fine so collected shall be paid to such officer for his services.

Who to is-
sue license.

Sec. 12. Every State or County license shall be furnished by the County Judge under his seal of office to the Tax Collector on the blanks published by the Comptroller, after signing the same and taking his receipt therefor, and the Tax Collector shall fill out and sign each license before issuing the same to the person or persons paying him the necessary amount therefor. The Tax Collector shall make a duplicate of each license issued in the book furnished by the County Judge for that purpose and shall file such duplicate license with the County Judge, and the person or persons obtaining such license shall keep the same exhibited conspicuously at their place of business, and upon failure to do so shall be subject to another license for engaging in or managing the business or occupation for which such license was obtained. If the payment of a license tax is to be made to the State Treasurer or the Comptroller, the license shall be issued by the officer to whom the payment must be made.

Duplicate
license.

County
Judge's re-
turn.

Sec. 13. Each County Judge shall transmit to the Comptroller on the first Monday of each month in each year a statement showing the amount of money received for State and county licenses under the provisions of this act, and shall publish said list in some newspaper printed in said county by one insertion in each year, and for the publication of said statement the State shall pay two-thirds of the cost and the county one-third; and to the County Commissioners a statement of all money received for county license during the preceding month, with the name of each person paying the same, the amount paid by each, the date of each payment and the business or profession for which the same was issued; and said statement shall be signed by the Tax Collector and the County Judge, and the Tax Collector shall pay the amount collected by

Tax Collec-
tor to sign
statement
and make
payment.

him for State licenses to the State Treasurer on the first Monday in each month; and at the same time shall pay to the County Treasurer the amount collected by him for County licenses.

1907.

Sec. 14. The County Judge shall report to the Grand Jury each term of court, or the Clerk of the Circuit Court when no Grand Jury is ordered, or to the proper prosecuting officer in their respective counties, which shall be filed in said Clerk's office, the names of all persons that have procured licenses under the provisions of this act. The Comptroller of the State of Florida shall furnish such blanks as are required for licenses in book form to the County Judge of each county, who shall give his receipt therefor, stating the number of blank licenses in each book received, and the County Judge shall return such books for examination at any time when requested to do so by the Comptroller.

County Judge to report to Grand Jury or Clerk.

Sec. 15. Any County Judge or Collector that shall neglect to make returns shall be removed from office, and any Collector failing to make such report as herein required, or to pay the amount collected to the State or County Treasurer, as the same may be payable, shall be guilty of embezzlement and shall be liable to the penalties prescribed for larceny of the amount withheld.

Penalty.

Sec. 16. That nothing in this act shall be construed as in any way abridging or limiting the powers which have been granted or may be granted to any municipal corporation by special act or charter act for the purpose of requiring the payment of license taxes.

Exception.

Sec. 17. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed; but nothing in this act contained shall be held to repeal an act passed at the present session, entitled "An act to impose license taxes on railroad companies."

Repeal.

Approved June 1, 1907.

LAWS OF FLORIDA.

CHAPTER 5598—(No. 3).

AN ACT Making Appropriations for the Expenses of the State Government for Six Months of the year 1907 and for the year 1908 and for Six Months of the year 1909.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the following sums be and are hereby appropriated for the payment of the expenses of the State Government for six months, from July 1st, 1907, to December 31st, 1907.

For salaries Executive Department, ten thousand dollars (\$10,000.00).

GOVERNOR.

For Private Secretary, \$600.00.

For Clerk, \$450.00.

For Stenographer, \$360.00.

For contingent expenses of State, \$3,000.00.

SECRETARY OF STATE.

For Chief Clerk in Secretary of State's Office, \$750.00.

For Assistant Chief Clerk, \$600.00.

For Stenographer, \$360.00.

For fuel, lights and water for Capitol, \$750.00.

For postage, express and telegrams for Secretary of State, \$300.00.

For repairs, refitting and other incidental expenses of Capitol, \$750.00.

For watchman at Capitol, \$390.00.

For two janitors at Capitol, \$360.00.

For Engineer and Gardener, \$360.00.

COMPTROLLER.

For Chief Clerk, \$750.00.

For Auditing Clerk, \$750.00.

For Bookkeeper, \$900.00.

For Stenographer and Typewriter, \$600.00.

For Pension Clerk, \$600.00.

LAWS OF FLORIDA.

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1907.

- For Special Clerk, \$250.00.
- For Bookkeeper in Tax Redemption Department, \$600.00.
- For Auditing Clerk in Tax Redemption Department, \$600.00.
- For Correspondence Clerk in Tax Redemption Department, \$600.00.
- For Recording Clerk in Tax Redemption Department, \$600.00.
- For Entry Clerk in Tax Redemption Department, \$600.00.
- For Distribution Clerk in Tax Redemption Department, \$600.00.

STATE TREASURER.

- For Chief Clerk and Bookkeeper, \$900.00.
- For Cashier and Bookkeeper, \$750.00.
- For Assistant Bookkeeper, \$750.00.
- For Clerk and Assistant Bookkeeper, \$600.00.

ATTORNEY GENERAL.

- For Clerk, \$450.00.
- For Secretary, \$900.00.
- For incidental expenses of office, \$100.00.
- For books and book cases, \$500.00.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

- For Chief Clerk, \$750.00.
- For Assistant Chief Clerk, \$600.00.
- For Stenographer and Typewriter, \$360.00.
- For postage, printing and contingent expenses, \$1,000.
- For traveling expenses, \$500.00.

COMMISSIONER OF AGRICULTURE.

- For Agricultural Department, deficiency on account of printing, stamps, tags and bulletins, estimated to June 30th, 1907, \$900.00.
- For Clerk hire in Prison Department, payable from hire State convicts, \$750.00.

1907.

For Clerk hire in Fertilizer and Stock Feed Department, \$600.00.

For Clerk in Agricultural Department, \$750.00.

For Clerk and Stenographer in Agricultural Department, \$450.00.

For Clerk in School Lands Department, \$600.00.

For postage and stationery for Agricultural Department, \$375.00.

For printing, stamps and tags, \$900.00.

For printing quarterly bulletin for Agricultural Department, \$1,000.00.

For express and telegrams, \$150.00.

For incidental expenses of Commissioner of Agriculture, \$125.00.

STATE CHEMIST.

For salary State Chemist, \$1,250.00.

For salary Assistant State Chemist, \$900.00.

For chemicals, apparatus and incidental expenses of State Laboratory, \$500.00.

For traveling expenses inspecting fertilizers, \$500.00.

PRISON DEPARTMENT.

Salary for chaplains for State convicts, payable from hire of State convicts, \$750.00.

For use of Board of Commissioners of State Institutions in conducting matters pertaining to prison affairs, payable from hire of State convicts, \$1,250.00.

LEGISLATIVE DEPARTMENT.

For expenses Legislature of 1907, \$85,000.00.

Stationery for Legislative and Executive Departments, \$750.00.

JUDICIAL DEPARTMENT.

For salaries Judicial Department, \$29,600.00.

For jurors and witnesses before Grand Jury, \$60,000.00.

For rewards and expenses of arrests of fugitives from justice, \$1,000.00.

1907.

For expenses of Circuit Judges sitting on Supreme Bench, \$75.00.

For costs adjudged against the State in civil cases. \$50.00.

For expenses of Circuit Judges sitting in other circuits, \$250.00.

SUPREME COURT.

For contingent expenses, \$1,500.00.

For Clerk per diem under Section No. 1755, General Statutes, \$468.00.

For Clerk as Librarian under Section No. 1755, General Statutes, \$150.00.

For Sheriff Supreme Court, per diem, Section No. 1683, General Statutes, \$125.00.

For messenger, \$180.00.

For Janitor, \$450.00.

For Secretary to Supreme Court Justices, \$900.00.

For purchase of books for Supreme Court Library, \$250.00.

For printing Supreme Court Reports, \$1,250.00.

For expenses collection of revenue, \$32,500.00.

For lists of land entries for Assessors, assessment of railroads, and other contingent expenses Comptroller's office, \$500.00.

For printing delinquent tax lists under Section 558. General Statutes, \$4,000.00.

FLORIDA STATE TROOPS.

Salary of Adjutant General, \$1,250.00.

Expenses of Florida State Troops, \$7,432.50, including rent of armories and allowances.

Encampments and field exercises \$15,000.00.

For necessary repairs to armory (State building) at Key West, as per report and estimate of Constructing Engineer J. M. Braxton, \$450.00.

MISCELLANEOUS EXPENSES.

For general printing and advertising, \$7,500.00.

For salaries and expenses of Railroad Commissioners. \$12,500.00.

1907.

For improvements and repairs for the hospital for indigent insane, \$12,500.00.

For maintenance of lunatics, \$62,500.00.

For interest on bonds, educational funds, \$9,023.50.

For salary State Auditor and Clerk, \$1,850.00.

For Assistant State Auditor, \$1,250.00.

Sec. 2. That the following sums be and are hereby appropriated for payment of the expenses of the State Government for the year 1908:

For salaries Executive Department, twenty thousand dollars (\$20,000.00).

EXECUTIVE OFFICE.

For Private Secretary, \$1,500.00.

For Clerk, \$900.00.

For Stenographer, \$720.00.

For contingent expenses of State, \$6,000.00.

SECRETARY OF STATE.

For Chief Clerk, \$1,500.00.

For Assistant Chief Clerk, \$1,200.00.

For Stenographer, \$720.00.

For fuel, lights and water for Capitol, \$1,500.00.

For postage, express and telegrams for Secretary of State, \$600.00.

For repairs, refitting and other incidental expenses of Capitol, \$1,500.00.

For watchman at Capitol, \$780.00.

For two janitors at Capitol, \$720.00.

For Engineer and Gardener at Capitol, \$720.00.

COMPTROLLER.

For Chief Clerk, \$1,500.00.

For Auditing Clerk, \$1,500.00.

For Bookkeeper, \$1,800.00.

For Stenographer and Typewriter, \$1,200.00.

For Pension Clerk, \$1,200.00.

For Special Clerk, \$500.00.

LAWS OF FLORIDA.

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1907.

For Bookkeeper in Tax Redemption Department, \$1,200.00.

For Auditing Clerk in Tax Redemption Department, \$1,200.00.

For Correspondence Clerk in Tax Redemption Department, \$1,200.00.

For Recording Clerk in Tax Redemption Department, \$1,200.00.

For Entry Clerk in Tax Redemption Department, \$1,200.00.

For Distribution Clerk in Tax Redemption Department, \$12,000.00.

STATE TREASURER.

For Chief Clerk and Bookkeeper, \$1,800.00.

For Cashier and Bookkeeper, \$1,500.00.

For Assistant Bookkeeper, \$1,500.00.

For Clerk and Assistant Bookkeeper, \$1,200.00.

ATTORNEY GENERAL.

For Secretary to Attorney General, \$1,800.00.

For Clerk, \$900.00.

For incidental expenses of Attorney General's office, \$250.00.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For Chief Clerk, \$1,500.00.

For Assistant Chief Clerk, \$1,200.00.

For Stenographer and Typewriter, \$720.00.

For postage, printing and contingent expenses, \$2,000.00.

For traveling expenses, \$1,000.00.

COMMISSIONER OF AGRICULTURE.

For Clerk hire in Prison Department, payable from hire of State convicts, \$1,500.00.

For Clerk in Fertilizer and Stock Feed Department, \$1,200.00.

For Clerk in Agricultural Department, \$1,500.00.

—G. L.

1907.

For Clerk in School Land Department, \$1,200.00.

For postage and stationery in Agricultural Department, \$750.00.

For printing stamps and tags, etc., \$1,200.00.

For printing quarterly bulletin for Agricultural Department, \$2,000.00.

For express and telegrams, \$300.00.

For incidental expenses, \$250.00.

For Clerk and Stenographer in Agricultural Department, \$900.00.

STATE CHEMIST.

Salary State Chemist, \$2,500.00.

Salary Assistant State Chemist, \$1,800.00.

For chemicals, apparatus and incidental expenses of State Laboratory, \$1,000.00.

For traveling expenses inspecting fertilizers, \$1,000.00.

PRISON DEPARTMENT.

Salary for chaplains for State convicts, payable from hire State convict fund, \$1,500.00.

For use of Board of Commissioners of State Institutions in conducting matters pertaining to prison affairs, payable from hire of State convicts, \$2,500.00.

For stationery for Legislative and Executive Departments, \$1,500.00.

JUDICIAL DEPARTMENT.

For salaries Judicial Department, \$59,200.00.

For jurors and witnesses before grand jury, \$80,000.00.

For rewards for and expenses of arrest of fugitives from justice, \$2,000.00.

For expenses of Circuit Judges, sitting on Supreme Bench, \$150.00.

For costs adjudged against the State in civil cases, \$100.00.

For expenses Circuit Judges sitting in other circuits, \$500.00.

For traveling expenses of Circuit Judges, \$6,000.00.

LAWS OF FLORIDA.

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SUPREME COURT.

1907.

- For contingent expenses, \$2,000.00.
- For Clerk per diem under Section No. 1755 G. S., \$936.00.
- Clerk as Librarian under Sec. No. 1755 G. S., \$300.00.
- For Sheriff per diem under Section No. 1683 G. S., \$250.
- For Messenger, \$360.
- For Janitor, \$900.00.
- For Secretary to Justices, \$1,800.00.
- For purchase of books for Supreme Court library, \$500.00.
- For printing Supreme Court Reports, \$2,500.00.
- For expenses collection of revenue, \$65,000.00.
- For lists of land entries for assessors, assessment of railroads, and other contingent expenses Comptroller's office, \$1,000.00.
- For printing delinquent tax lists under Section 558 General Statutes, \$4,000.00.

FLORIDA STATE TROOPS.

- Salary of Adjutant General, \$2,500.00.
- Expenses of Florida State Troops including rent of armories and allowances, \$14,865.00.

MISCELLANEOUS.

- For general printing and advertising, \$20,000.00.
- For salaries and expenses Railroad Commissioners, \$25,000.00.
- For improvements and repairs for the Hospital for Indigent Insane, \$25,000.00.
- For maintenance of lunatics, \$125,000.00.
- For interest on bonds in educational funds, \$18,047.00.
- For salary State Auditor and Clerks, \$3,700.00.
- For Assistant State Auditor, \$2,500.00.

Sec. 3. That the following sums be and are hereby appropriated for the payment of the expenses of the State Government for six months from January 1st. to June 30th. 1909:

1907.

For salaries Executive Department, ten thousand dollars (\$10,000.00).

GOVERNOR.

For Private Secretary, \$750.00.

For Clerk, \$450.00.

For Stenographer, \$360.00.

For contingent expenses of State, \$3,000.00.

SECRETARY OF STATE.

For Chief Clerk in Secretary of State's office, \$750.00.

For Assistant Chief Clerk, \$600.00.

For Stenographer, \$360.00.

For fuel, lights and water for Capitol, \$750.00.

For postage, express and telegrams for Secretary of State, \$300.00.

For repairs, refitting and other incidental expenses of Capitol, \$750.00.

For watchman at Capitol, \$390.00.

For two janitors at Capitol, \$360.00.

For engineer and gardener at Capitol, \$360.00.

For office rent and moving expenses of officers vacating offices in Capitol during Legislative session, \$750.00.

COMPTROLLER.

For Chief Clerk, \$750.00.

For Auditing Clerk, \$750.00.

For Bookkeeper, \$900.00.

For Stenographer and Typewriter, \$600.00.

For Pension Clerk, \$600.00.

For Special Clerk, \$250.00.

For Bookkeeper in Tax Redemption Department, \$600.

For Auditing Clerk in Tax Redemption Department, \$600.00.

For Correspondence Clerk in Tax Redemption Department, \$600.00.

For Recording Clerk in Tax Redemption Department, \$600.00.

For Entry Clerk in Tax Redemption Department, \$600.

For Distribution Clerk in Tax Redemption Department, \$600.00.

LAWS OF FLORIDA.

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1907.

STATE TREASURER.

For Chief Clerk and Bookkeeper, \$900.00.
For Cashier and Bookkeeper, \$750.00.
For Assistant Bookkeeper, \$750.00.
For Clerk and Assistant Bookkeeper, \$600.00.

ATTORNEY GENERAL.

For Clerk, \$450.00.
For Secretary to Attorney General, \$900.00.
For incidental expenses of office, \$100.00.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For Chief Clerk, \$750.00.
For Assistant Chief Clerk, \$600.00.
For Stenographer and Typewriter, \$350.00.
For postage, printing and contingent expenses, \$1,000.
For traveling expenses, \$500.00.

COMMISSIONER OF AGRICULTURE.

For Clerk in Prison Department, payable from hire of State convicts, \$750.00.
For Clerk hire in Fertilizer and Stock Feed Department, \$600.00.
For Clerk in Agricultural Department, \$750.00.
For Clerk in School Land Department, \$600.00.
For postage and stationery for Agricultural Department, \$375.00.
For printing stamps and tags, \$600.00.
For printing quarterly bulletin for Agricultural Department, \$1,000.00.
For express and telegrams, \$150.00.
For incidental expenses of Commissioner of Agriculture, \$125.00.
For Clerk in Agricultural Department, \$450.00.

STATE CHEMIST.

For salary State Chemist, \$1,250.00.
For salary Assistant State Chemist, \$900.00.

1907.

For chemicals, apparatus and incidental expenses of State laboratory, \$500.00.

For traveling expenses inspecting fertilizers, \$500.00.

PRISON DEPARTMENT.

Salary for Chaplains for State convicts, payable from hire of State convicts, \$750.00.

For use of Board of Commissioners of State Institutions in conducting matters pertaining to prison affairs, payable from hire of State convicts, \$1,250.00.

Stationery for Executive and Legislative Departments, \$750.00.

JUDICIAL DEPARTMENT.

For salaries Judicial Department, \$29,600.00.

For jurors and witnesses before grand jury, \$40,000.00.

For traveling expenses of the Circuit Judges, \$3,000.00. justice, \$1,000.00.

For expenses of Circuit Judges sitting on Supreme Bench, \$75.00

For traveling expenses of the Circuit Judge, \$3,000.00.

For costs adjudged against the State in civil cases, \$50.00.

For expenses of Circuit Judges sitting in other circuits, \$250.00.

SUPREME COURT.

For contingent expenses, \$1,500.00.

For Clerk per diem, under Section No. 1755 General Statutes, \$468.00.

For Clerk as Librarian under Section No. 1755, General Statutes, \$150.00.

For Sheriff Supreme Court, per diem, Section 1683. General Statutes, \$125.00.

For Messenger, \$180.00.

For Janitor, \$450.00.

For Secretary to Supreme Court Justices, \$900.00.

For purchase of books for Supreme Court Library, \$250.00.

For printing Supreme Court Reports, \$1,250.00.

LAWS OF FLORIDA.

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MISCELLANEOUS.

1907.

For expenses collection of revenue, \$32,500.00.

For lists of land entries for Assessors, assessment of railroads and other contingent expenses of Comptroller's office, \$500.00.

For printing delinquent tax lists under Section 558. General Statutes, \$4,000.00.

FLORIDA STATE TROOPS.

Salary of Adjutant General, \$1,250.00.

Expenses of Florida State Troops, including rent of armories and allowances, \$7,432.50.

Encampments and field exercises, \$15,060.00.

General printing and advertising, \$7,500.00.

For salaries and expenses Railroad Commissioners. \$12,500.00.

For improvements and repairs for the hospital for indigent insane, \$12,500.00.

For maintenance of lunatics, \$62,500.00.

For interest on bonds in educational funds, \$9,023.50.

Salary State Auditor and Clerk, \$1,850.00.

For Assistant State Auditor, \$1,250.00.

Sec. 4. All money appropriated hereunder under head of contingent expenses shall be accounted for to the next Legislature in an itemized statement from each official having charge of any such contingent fund.

Approved June 1, 1907.

AN ACT to Fix the Pay of Members, Officers and Attaches of the Legislature of A. D. 1907, and Certain Expenses of the Legislature.

Be It Enacted by the Legislature of the State of Florida:

Members pay per diem. Section 1. That the pay of the members of the present Legislature, convened April 2, 1907, shall be a per diem of six dollars per day in addition to the mileage allowed by the Constitution of the State of Florida at ten cents per mile each way.

Secretary of Senate; Clerk of House. Sec. 2. That the pay of the Secretary of the Senate and the Chief Clerk of the House of Representatives and of all Clerks elected by the Senate or House of Representatives shall be six dollars per day each.

Sergeant-at-Arms. The Sergeant-at-Arms of the Senate and of the House of Representatives (and Assistant Sergeant-at-Arms, when employed), shall receive a per diem of six dollars each, and the sum of \$25.00 is hereby appropriated to remunerate the Sergeant-at-Arms of the Senate for expenses incurred in securing the service of an assistant.

Messenger. The pay of the Messenger of the Senate and of the House of Representatives shall be six dollars per day each.

Doorkeepers. The pay of the Doorkeepers of the Senate and of the House of Representatives shall be six dollars per day each.

Pages. The pay of the Pages of the Senate and of the House of Representatives shall be four dollars per day each.

Janitors. The pay of the Janitors of the Senate and of the House of Representatives shall be six dollars per day each.

Chaplains. The pay of the Chaplains of the Senate and of the House of Representatives shall be two hundred dollars each for the session.

Committee Clerks. The pay of the Committee Clerks shall be five dollars per diem from the date of the certificates of their appointment to the chairman of the respective committees on Legislative Expenses until the end of the session. Except the Clerks of the Judiciary Committees of the Senate and of the House of Representatives, and of the Clerk of the

1907.

Committee on Finance and Taxation of the House of Representatives, who shall each receive the sum of six dollars per diem.

The per diem of the Assistant to the Assistant Reading Clerk of the House shall be six dollars per day for the time actually employed. Reading Clerks.

The pay of the Secretary of the President of the Senate shall be five dollars per diem, and the Proofreader of the Senate shall be paid thirty dollars in full for his services. Secretary of President; Proofreader.

The Secretary of the Senate and the Chief Clerk of the House of Representatives shall each be entitled to pay for twenty days after the adjournment of the Legislature, at the rate aforesaid to bring up the work of the Journals, and the Assistant Secretary of the Senate shall be entitled to pay for twelve days after the adjournment of the Legislature for assistance to the Secretary in the same work. Extra time and pay allowed Chief Clerk of House and Secretary to Senate and Assistants.

The Recording Secretary of the Senate shall be entitled to pay for thirty days after the adjournment in order to complete the recording; and the Recording Clerk of the House of Representatives shall be entitled to pay for twenty days after the adjournment in order to complete his work, such payment to be made, however, only after the completion and delivery of the Journals, and the Comptroller is hereby authorized to issue warrants on the State Treasurer in favor of the Recording Secretary of the Senate and the Recording Clerk of the House of Representatives respectively, for the thirty days and the twenty days additional herein provided for; but no such warrant shall be issued to such Secretary or Clerk except upon the delivery of the receipt of the Secretary of State setting forth that such Secretary or Clerk has recorded in full the Journals of the Senate or House of Representatives and that the record books have been duly filed in the office of the Secretary of State. Extra time and pay for Recording Secretary of the Senate and of the House of Representatives.

The Bill Secretary of the Senate and the Bill Clerk of the House of Representatives shall have pay for fifteen days each after the adjournment of the Legislature to complete their unfinished work and to return their books and bills properly indexed, assorted and labeled in convenient form for reference to the Secretary of State; payment to be made upon the certificate of the Secretary of State that such duty has been performed. Bill Clerks.

1907.

Secretary
and Bill Sec-
retary of
Senate; Chief
Clerk of
House and
Assistant.

Pay of E.
Hawkins.

The Secretary of the Senate and the Bill Secretary of the Senate shall each receive seventy-five dollars for preparing the Daily Calendar of the Senate, and the Chief Clerk of the House of Representatives and the Assistant Chief Clerk of the House of Representatives shall each receive seventy-five dollars for preparing the Daily Calendar of the House of Representatives. The extra help for the Assistant Chief Clerk of the House of Representatives shall be paid forty-eight dollars in full for his services; that one hundred and fifty dollars be paid to Eugene Hawkins for services as Assistant Janitor in the House of Representatives, to be placed in the hands of J. N. C. Stockton, to be paid to said E. Hawkins at the rate of \$12.50 per month.

Per diem and
mileage of
members and
attaches of
Senate and
House of
Representa-
tives.

Sec. 3. The per diem and mileage of the members of the Senate and of the House of Representatives and the per diem of the Secretaries, Clerks, Attaches of the Senate and House of Representatives shall be prepared in pay roll form, and those of the Senate shall be approved by the President of the Senate and attested by the Secretary of the Senate, and those of the House of Representatives shall be approved by the Speaker of the House of Representatives and attested by the Chief Clerk of the House of Representatives; and the Comptroller shall audit and issue his warrant on the Treasury for the same.

Expenses of
visiting com-
mittees.

Sec. 4. The actual expenses of all members of the various visiting Committees shall be prepared in pay roll form and certified to by the Chairman of the Committee on Legislative Expenses of either House, respectively, and the Comptroller shall issue his warrant for the same.

Typewriter
rent and ex-
pense of
mailing
Journals of
Senate.

Sec. 5. The sum of \$8.80 for rent of typewriter used by Judiciary Committee of the Senate, and the expenses of mailing the Daily Journals of the Senate under Senate Resolution No. 29, shall be paid on vouchers approved by the Chairman of the Committee on Legislative Expenses of the Senate and the Comptroller shall issue his warrant or warrants for the same.

Sec. 6. This act shall take effect immediately upon its approval by the Governor.

Approved June 1st, 1907.

AN ACT Creating a State Board of Pensions, Defining Who Shall Receive Pensions, Who Shall Not Receive Pensions, Who Shall be Retained as Pensioners, How Applications Shall Be Made, How Pensions Shall Be Paid, Duty of County Commissioners in Regard to Pensions, Providing for the Levy of a Pension Tax and Authorizing the State Board of Pensions to Make Regulations to Carry Into Effect the Provisions of This Act.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the Governor, Comptroller and the Board. Treasurer of this State are hereby constituted the State Board of Pensions.

Sec. 2. Any person who enlisted and served in the military or naval service of the Confederate States or of this State, including home guards and reserves, during the war between the States of the United States, and did not desert the Confederate or State service, and who was a bona-fide citizen of this State continuously for ten years prior to date and filing of the application for pension, and who is over sixty years of age at the date of application, shall each receive one hundred dollars per annum in quarterly payments; all such persons who lost a limb or limbs, an eye or eyes, or who is permanently disabled by reason of wounds or disease to gain a livelihood by manual labor, shall be entitled to receive each per annum in quarterly payments the following amounts, to-wit:

For total loss of sight, \$150.00.

For loss of one eye, \$100.00.

For loss of a foot or leg, \$125.00.

For loss of a hand, \$125.00.

For loss of both hands, \$150.00.

For loss of both feet, \$150.00.

For loss of one hand and one foot of same person, \$150.00.

For personal injuries, disease or age whereby the person is unable to earn a livelihood by manual labor, \$120.00.

For total disability, as shown by affidavit of a reputable physician, \$150.00.

who entitled to receive pension.

1907.

Widows of
deceased sol-
diers to re-
ceive pension

Proviso.

Sec. 3. The widow of any deceased soldier or sailor who enlisted and served in the military or naval service of the Confederate States or of this State, including Home Guards and Reserves, during the war between the States of the United States, and did not desert the Confederate or State service, shall be entitled to receive the sum of one hundred and twenty dollars per annum, in quarterly payments; Provided, Such widow was lawfully married to said soldier or sailor ten years prior to the filing of application for pension and has continuously resided in this State ten years previous to making application; and the widow of a deceased person who was at the time of his death drawing a pension from this State shall be granted a widow's pension upon satisfactory proof of her marriage, her residence in this State and the death of her husband, and she shall not be required to make additional proof of her husband's service, and the pension so granted shall date from the death of the widow's husband; Provided, She file her application within ninety days after the death of her husband, but any widow of a deceased person who would have been entitled to a pension under this act shall make proof as would the person if living.

Prohibition.

Sec. 4. No person receiving a pension from any other State shall be entitled to a pension under this act.

Certain pen-
sioners re-
tained.

Sec. 5. Persons drawing pensions under previous acts of the Legislature of Florida are retained and entitled to the benefits of this act.

Applications.

Oath.

Sec. 6. The payment of new claims shall be made from the date of the filing of the application in the Pension Office. The applicant shall make oath before an officer authorized to administer oaths and use seal, stating the company in which or ship upon which he enlisted, date and cause of expiration of his service, citizenship and rights to the benefits of this act.

Proof of ser-
vice.

He shall furnish the affidavit of a commissioned officer, or of any two soldiers, or any two sailors with whom he has served, or the affidavit of the Adjutant of a camp of United Confederate Veterans or of any two good citizens of his county, showing that he rendered the service or is a member in good standing in a camp of United Confederate Veterans.

1907.

Sec. 7. The Board of County Commissioners of the county in which the applicant resides shall investigate all claims made under this act and report upon the application whether or not the pension applied for should be granted.

Duty of
County Com-
missioners.

Sec. 8. The State Board of Pensions shall furnish annually suitable blanks for making such reports and shall file applications for pensions immediately on receipt of same.

Board to fur-
nish blanks.

Sec. 9. All sums required for the payment of pensions to applicants under the provisions of this act, shall be paid by warrants drawn by the Comptroller on the Treasurer of the State, in favor of the applicant for the sum which he or she may be entitled, out of any moneys in the State Treasury raised by special levy for the payment of pensions as provided in this act.

Payment.

Sec. 10. The County Commissioners of each county shall at least once in each year examine the pension rolls of their respective counties and ascertain whether or not any person on said pension roll should be dropped from same by reason of not being entitled to draw said pension under the provisions of this act and make report of their findings to the State Board of Pensions, who are hereby authorized to drop such pensions from the list, if in their judgment the same should be done.

Duty of
County Com-
missioners.

Sec. 11. The State Board of Pensions shall forward to each pensioner a certificate that he is entitled to draw a pension, which shall be prima facie evidence to the Clerk of the Circuit Court or any other officer of the county.

Duty of
Board.

Sec. 12. There shall annually be assessed and collected a tax of four mills per dollar on all property liable to assessment, which shall constitute a fund for the payment of pensioners, the proceeds of which shall be applied to the payment of pensions.

Pension tax.

Sec. 13. That from and after the passage of this act it shall be lawful for pensioners of this State to have their vouchers approved and signed by either Clerks of the Circuit Court or by Notaries Public or any other officer authorized by law to administer oaths having a seal.

Approval of
vouchers.

1907.

Rules and
Regulations.

Sec. 14. The State Board of Pensions shall prescribe rules and regulations for the carrying out of the provisions of the pension laws of this State, see that laws are complied with and shall make reports and recommendations to the Governor at least thirty days before the meeting of the Legislature.

Clerk's sala-
ry.

Said Board shall make rules and regulations for the conduct of their business as they may deem proper, not in conflict with the spirit and purpose of the pension laws. They may employ a clerk at a salary not exceeding five hundred dollars per annum, payable quarterly out of the State Treasury on the certificate of the Chairman of said Board.

Repealing
clause.

Sec. 15. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 16. That this act shall take effect upon its approval by the Governor.

Approved May 29, 1907.

CHAPTER 5601—(NO. 6).

AN ACT to appropriate the Amount now in the State Treasury or Hereafter to be Paid Therein to the Credit of the Pension Fund Under Laws Enacted Prior to the Present Session of the Legislature to the Purposes of an Act Entitled "An Act Creating a State Board of Pensions, Defining Who Shall Receive Pensions, Who Shall not Receive Pensions, Who Shall Be Retained as Pensioners, How Applications Shall Be Made, How Pensions Shall Be Paid, Duty of County Commissioners in Regard to Pensions, Providing for the Levy of a Pension Tax and Authorizing the State Board of Pensions To Make Regulations To Carry into Effect the Provisions of This Act," Approved May 29, 1907.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the amount now in the State Treasury and all amounts to be paid therein to the credit of the Pen-

1907.

sion Fund under laws enacted prior to the present session of the Legislature be, and the same are hereby appropriated to carry out the provisions and purposes of an act entitled "An Act creating a State Board of Pensions, defining who shall receive pensions, who shall not receive pensions, who shall be retained as pensioners, how applications shall be made, how pensions shall be paid, duty of County Commissioners in regard to pensions, providing for the levy of a pension tax and authorizing the State Board of Pensions to make regulations to carry into effect the provisions of this act," approved May 29, 1907. Pension fund

Sec. 2. This act shall take effect immediately upon its approval by the Governor.

Approved June 1st, 1907.

CHAPTER 5602—(No. 7).

AN ACT Relating to and Making Appropriation for the Construction and Repair of Buildings, Laying Out and Maintenance of Grounds, and for the Support and Maintenance of State Institutions of Higher Education Created and Required to be Maintained by Chapter 5384 of the Laws of Florida, Approved June 5, 1905, Known as the University of the State of Florida, the Florida Female College, the Institute for the Blind, Deaf and Dumb, and the Colored Normal School; to Provide for the Payment of Any Interest Deficit on the Three Per Cent Bonds Held for the Benefit of Any of Said Institutions Under the Said Act and the Act of Congress of July 2, 1862, and for the Payment of Any Unpaid Debts of the Institutions Abolished or Established by the Act Known as Chapter 5384, Approved June 5, 1905, *Aforesaid*, Under the Provisions Thereof.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the sum of five hundred and seventy thousand seven hundred and eleven dollars and forty-three cents, or so much thereof as shall be necessary, is

1907.

Appropriations.

hereby appropriated for the support and maintenance of the University of the State of Florida, the Florida Female College, the Institute for the Blind, Deaf and Dumb, and the Colored Normal School, required to be supported and maintained by Chapter 5384 of the Laws of Florida, approved June 5, 1905, and for the enlargement, erection, construction, repair and maintenance of buildings and other structures, the laying out, fixing and maintenance of grounds and all other matters in connection with said Institutions, and each and every of them, as shall be deemed necessary or required by the State Board of Education or Board of Control, or both, or either of them, as provided in said act, which sum shall be placed to the credit of the State Board of Education in the hands of the State Treasurer as follows: University of the State of Florida, one hundred and fifty thousand dollars; the Florida Female College, one hundred and fifty thousand dollars; Colored Normal School, twenty thousand dollars; and the Institute for the Blind, Deaf and Dumb, eighty thousand dollars; balance of said five hundred and seventy thousand seven hundred and eleven dollars and forty-three cents to be expended by the Board of Control as the several institutions may require to be determined by the Board of Control.

Remainder of former appropriations.

Sec. 2. That the sum of twelve thousand nine hundred and ninety-five dollars and forty-three cents (\$12,995.43), now in the State Treasury and being part of unused former legislative appropriations made for said Institutions abolished by said act, shall constitute a part of the aggregate amount hereby appropriated, and which said sum of twelve thousand nine hundred and ninety-five dollars (\$12,995.43) and forty-three cents shall be at once placed to the credit of the State Board of Education, to be used and disposed of by the Board of Control, or so much of said amount as may be necessary, in the payment of the indebtedness of the old abolished Institutions, and in payment of the official expenses of the Board of Control and any current expenses of said Board, and of the current expenses of the said Institutions of Higher Education above named.

Sec. 3. That out of the appropriation hereby made, the State Board of Education shall set apart the interest deficit required to be paid under Section 31 of Chapter

5384, Laws of Florida, approved June 5, 1905, and the act of Congress of July 2, 1862.

1907.

Section 4. That this act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without his approval.

Approved May 30.

CHAPTER 5603—(NO. 8).

AN ACT to Regulate the Making of Contracts and the Incurring of Obligations for the Expenditure of Money Payable out of the General Fund of the State.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That no board, department, officer, commission or committee or other person or persons charged under the provisions of any act of the Legislature with the expenditure of any money payable out of the general revenue fund shall make any contract or incur any obligation for the payment of any sum out of the Treasury of the State of Florida, except for the salaries of public officers and other current expenses of the State except expenses of operation of schools, without first ascertaining from the Board of Commissioners of State Institutions that the funds necessary to meet such payments will be available when the same shall become due and payable and constitute a charge against the State.

Obligations incurring; the expenditure of general revenue funds.

Sec. 2. Appropriations made for school purposes under any act of the Legislature shall be payable out of the first funds available under the provisions of this act, after payment of the salaries of public officers, and other current expenses as hereinbefore provided, and the moneys for such appropriations shall be available as fast as they come in without waiting for the whole amount of any such appropriation to be received into the Treasury.

when funds available.

Sec. 3. This act shall take effect immediately on becoming a law.

Approved June 4, 1907.

—G. L.

AN ACT to Provide for the Furnishing of the Governor's Mansion and the Improvement of the Grounds Thereof, and Such Other Improvements and Extensions as May Be Necessary or Advisable, and Making an Appropriation for the Same.

Be It Enacted by the Legislature of the State of Florida:

Appropriations.

Section 1. That the sum of fifteen (\$15,000) thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purchase of furniture for the Governor's Mansion, provided for by Chapter 5472, Laws of Florida, Acts of 1905, for the improvement of the grounds thereof and the purchase of two additional lots in the same block on which said Mansion is located at a cost not exceeding twelve hundred dollars, and for such other improvements or extensions in and about the said Mansion and grounds as may be deemed necessary or advisable by the Governor's Mansion Commission.

Manner of payments.

Sec. 2. That the payments of the moneys hereby appropriated shall be made by warrant drawn by the Comptroller on the Treasurer upon itemized accounts approved by the Governor's Commission, or a majority of said Commission, and duly audited by the Comptroller.

Power of Commission.

Sec. 3. That the Governor's Mansion Commission provided for under Section 1 of said Chapter 5472, Laws of Florida, Acts of 1905, be and they are hereby vested with the power to carry out the provisions of this act in connection with their other duties prescribed by law.

Sec. 4. This act shall become effective immediately upon its approval by the Governor.

Approved June 3, 1907.

AN ACT To Amend Sections 525 and 526 of the General Statutes of the State of Florida, Relating to Taxation and Finance.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 525 of the General Statutes of Florida, relating to taxation and finance, be, and the same is hereby amended so as to read as follows:

“525. Review by County Commissioners.—The Assessors shall complete the assessment rolls of their respective counties on or before the first Monday of July in every year, on which day such Assessors shall meet with the Board of County Commissioners at the Clerk’s office of their respective counties for the purpose of reviewing and equalizing the assessment, and may continue in session for that purpose from day to day for one week, or as long as shall be necessary; Provided, That the County Commissioners of any county may, if they deem it necessary, extend the time for the completion of such assessment roll. Should the Board increase the value fixed by the Assessor of any real estate or personal property, due notice thereof shall be given to the owner or agent of such property by publication in a newspaper published in such county, or by posting a notice at the court house door if there be no newspaper published in the county, at least fifteen days before the Board will be in session, to hear any reasons that such persons may desire to give why the valuation fixed by the Board shall be changed. The Board of County Commissioners shall meet on the first Monday in August of each year for the purpose of hearing complaints from the owner or agent of any real estate or personal property, the value of which shall have been fixed by the Assessor, or changed by them, and for that purpose the Board shall sit as long as may be necessary.”

Review by County Commissioners; see revenue law.

Notice to be given of meeting to hear complaints.

Sec. 2. That Section 526 of the General Statutes of Florida, relative to taxation and finance, be, and the same is hereby amended so as to read as follows:

“526. Equalization of Assessments.—The Board of

1907.

Equaliza-
tion; see
revenue law.

County Commissioners shall have full power to equalize the assessment of the real estate and personal property in their respective counties, and for that purpose only may raise or lower the value fixed by the Assessor on any particular piece of real estate or personal property. It shall be unlawful for the County Commissioners to lower the assessment of any personal property given in by the owner or assessed by the Assessor, which shall not have been specified under oath. The County Commissioners failing to obey this provision shall be subject to a fine of fifty dollars each, and suspension."

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. That this act shall take effect from and after its passage and approval by the Governor.

Approved May 22, 1907.

CHAPTER 5606—(No. 11).

AN ACT to Provide for the Levy of Taxes for the Years 1907 and 1908.

Be It Enacted by the Legislature of the State of Florida :

Levy.

Proviso.

Section 1. That for the purpose of securing an equal and uniform rate of taxation and to pay the appropriations for the current expenses of the State for the years 1907 and 1908, and for interest on the bonded debt for said years, and paying other appropriations by the Legislature, there shall be levied upon the real and personal property of the different counties for the year 1907 a tax of two mills upon the dollar, and for the year 1908 a tax of two mills upon the dollar; and there shall also be levied for each of the years 1907 and 1908 a constitutional school tax of one mill upon the dollar; Provided, That if the Governor shall discover from the aggregate assessment of the property of the State from other sources of revenue the reduction of the two mills tax of either or both of said years will be justified, he is hereby author-

ized to reduce the same as low as he may deem advisable, and he is hereby empowered to instruct and direct the Tax Collectors to collect only such reduced tax as he may fix as aforesaid.

1907.

Sec. 2. The Board of County Commissioners of every county at a meeting for correcting and reviewing the county assessment shall immediately thereafter ascertain and determine the amount of money to be raised by tax for county purposes, including the current expenses, interest on bonded debt, bridges and county buildings, and to meet the expenses, they are hereby authorized to levy a tax of not more than five mills upon the dollar on the real and personal property of the county; and every such determination and levy so made shall be entered at large upon the records of the Board of County Commissioners, and no county shall levy a greater amount for any purpose than five mills for county purposes except as hereinafter provided, and any indebtedness contracted by the County Commissioners of any county in excess of the said amount shall be null and void and no suits shall be prosecuted in any court in this State for the collection of the same; Provided, That the County Commissioners of each county shall levy a tax not to exceed seven mills nor less than three mills on the dollar, on the real and personal property of the county for county school purposes; Provided further, That the County Commissioners of any county may levy an additional tax not to exceed four mills on the dollar, each year, to pay all outstanding indebtedness and interest thereon; Provided, That nothing in this act shall be so construed as to prohibit any county wishing to erect a courthouse or jail, or constructing paved, macadamized or other hard-surfaced highways, from levying the amount of special taxes now allowed by law for that purpose; Provided further, That the foregoing provision relating to taxes for working roads shall not apply to counties working roads under special laws; Provided further, That in counties not constructing paved, macadamized or other hard-surfaced roads, as now provided by law, and in counties not working roads under special laws, the County Commissioners of each of such other counties may levy an additional tax not to exceed three mills on the dollar on the real and personal property of the county, the revenue derived therefrom to be used and appropriated

Duty of
County Com-
missioners.Levy for
county
schools.Outstanding
indebtedness.Paved ma-
cadamized or
hard-sur-
faced roads.

1907.

by such County Commissioners exclusively for the purpose of constructing paved, macadamized or other hard-surfaced roads.

Sec. 3. All laws and parts of laws in conflict with this act are hereby repealed.

Approved June 3, 1907.

CHAPTER 5607—(No. 12).

AN ACT to Cancel Certain Tax Sale Certificates Held by the State of Florida.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Whenever it shall be made to appear that any land in this State has been assessed for State and county taxes in more than one county in this State for the same year, and the taxes thereon have been paid in any one of said counties or county for said year; and that said land has been sold or certified to the State by such other county or counties for the non-payment of taxes for the same year; such certificates or certificate shall be canceled by the Comptroller upon application of the owner, agent or occupant of said land, producing a certificate, acknowledgment or affidavit of the Tax Collector of such county or counties wherein such payment of taxes were or was made; setting forth that said lands were duly and regularly assessed for State and county purposes on the tax books of such county for said year; and that the taxes so assessed were duly and regularly paid.

Sec. 2. This act shall take effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

AN ACT for the Relief of the Census Enumerators of the Several Counties of the State of Florida Appointed by the Commissioner of Agriculture and Secretary of State, Who took the census for the year 1905, According to the provisions of Chapter 5469 of the Laws of Florida, Approved June 5th, 1905, and making appropriation therefor.

Whereas, The Legislature of the State of Florida, at the regular session of 1905, passed an act entitled, "An Act to provide for the taking of the census of the State of Florida, for the year 1905, and making an appropriation therefor," as fully set forth in Chapter 5469, Laws of Florida, and,

Whereas, By Virtue of said act the Commissioner of Agriculture and Secretary of State were empowered to appoint in each county of the State a census enumerator whose duty it was to secure a census of the population, agricultural, manufacturing, mortuary statistics; and in addition to prepare duplicate poll lists in each county of the State; the faithful performance of which said duties by said enumerators being entirely inconsistent with the pay provided for by said act, as will more fully appear by reference to the census report; and,

Whereas, The said enumerators of the several counties accepted said appointments and took the oath provided for by said act believing that the pay provided for therein was sufficient to justify them in faithfully rendering said service to the State, and did perform said services at an actual loss to themselves of money, labor and time, and,

Whereas, Realizing that the compensation allowed said enumerators as provided for by said act was entirely too small for the amount of labor actually performed by them, and believing the said enumerators should be paid a fair and reasonable price for the services rendered the State by them and that each and every enumerator should be reimbursed for the loss sustained by reason of said work; Therefore,

1907. *Be it Enacted by the Legislature of the State of Florida:*

Appropriation and rate of compensation.

Section 1. That the sum of thirteen thousand three hundred and thirty-four dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, to pay to each and every county enumerator of the several counties of the State of Florida the sum of two cents per capita and the further sum of two cents for each farm and each manufacturing plant as shown by the original census returns on file in the office of the Commissioner of Agriculture.

Duty of Commissioner of Agriculture and Comptroller.

Sec. 2. Immediately upon the passage of this act it shall be the duty of the Commissioner of Agriculture to furnish the Comptroller with a statement of the amount due each enumerator of the State as provided for in Section One of this act and the Comptroller shall draw his warrant upon the Treasurer for the amount shown by the Commissioner of Agriculture to be due each enumerator and he shall transmit the same to said enumerator at his postoffice address.

When act effective.

Sec. 3. That this act shall take effect immediately upon its passage and approval by the Governor or upon its becoming a law without such approval.

Approved June 3, 1907.

CHAPTER 5609—(No. 14).

AN ACT to Provide for the Enumeration of Agricultural, Horticultural, Live Stock, Manufacturing, Industrial and Other Statistics; for the Appointment of County Enumerators, to Define Their Duties, to Provide for Their Compensation, and to Define the Duties of the Boards of County Commissioners in Connection Therewith.

Be It Enacted by the Legislature of the State of Florida :

Section 1. It shall be the duty of the Board of County Commissioners of each county in the State at their first

regular meeting in July of each alternate year, beginning with July of 1907, to select and appoint some competent person to be known as the county enumerator, and immediately upon the appointment of such enumerator, said Board shall furnish the Commissioner of Agriculture with his name and postoffice address.

1907.

Duty of
County Com-
missioners.

It shall be the duty of the county enumerator to call on all residents and the managers or legal representative of all non-residents in their respective counties, who are engaged in agriculture, horticulture and stock raising, and all persons, firms, companies, mining or other industrial pursuits, for such necessary facts and statistical information as the Commissioner of Agriculture may require, and for filling out such blank forms as may be furnished him by the Commissioner of Agriculture for the purpose herein stated.

Duties of
enumerator.

Each county enumerator shall before entering upon his duties, subscribe to an oath before the County Judge of his county, that he will, to the best of his ability, perform well and faithfully the duties of the office of county enumerator; the original oath to be filed with the Clerk of the Board of County Commissioners, and a duplicate copy shall be filed with the Commissioner of Agriculture.

Enumerator
to subscribe
to an oath.

The county enumerator may for any purpose not inconsistent with this act, appoint one or more deputies to assist him, but for all official acts of such deputy or deputies, he shall be responsible.

Deputies.

Sec. 2. The first enumeration under this act shall be for the fiscal year beginning July 1, 1907, and ending June 30, 1908, and every two years thereafter, and the enumerators shall begin their work as soon after the first day of July, 1908, as practicable, and shall proceed to fill out all such blank forms and lists as may be furnished by the Commissioner of Agriculture, for the purpose, and they shall complete said blank forms and lists in accordance with instructions of the Commissioner of Agriculture and return them so completed in such proper form, to the Boards of County Commissioners of their respective counties not later than the first day of November of the same year and each alternate year thereafter in the same manner. It shall be the duty of the enumerator to attach his certificate, sworn to before a proper officer authorized to administer oaths, that such statistical report is full,

Term of
enumerator.

Duties of
enumerator.

1907.

Duties of
County Com-
missioners.

true and correct to the best of his knowledge and belief. It shall be the duty of the Board of County Commissioners at their first regular meeting in November of each alternate year, immediately upon the receipt of the completed report from the enumerators, to carefully examine the several schedules of said report furnished by the enumerators, and if found correct to forward the same to the Commissioner of Agriculture, so as to reach him not later than the 15th day of said November. The Boards of County Commissioners, as a body, or by a majority of such Board sitting in session, shall attach their certificate to the report, stating they have examined the same, are satisfied with it, and approve it.

Rate of com-
pensation,
and

Sec. 3. Each county enumerator shall be paid ten cents for each person or resident of the county engaged in agriculture, horticulture and stock raising, and ten cents for each manufacturing, mining or other industrial pursuits listed or enumerated under the provisions of this act; the said amounts to be paid out of the funds arising from the sale of fertilizer stamps by the Commissioner of Agriculture, in the following manner: Each enumerator shall make out his bill against the State of Florida on a blank form to be supplied by the Commissioner of Agriculture, and such bill shall be approved by the Board of County Commissioners of his county, and then he shall forward the same to the Commissioner of Agriculture, who shall, if upon examination the said enumerator's report is found correct as required by this act, approve said bill, and deliver it to the State Comptroller, who shall draw his warrant upon the State Treasurer for amount of said approved bill and transmit the same to the said county enumerator.

Manner of
payment.

Repeal.

Sec. 4. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect and be enforced from and after its passage and approval by the Governor, or upon its becoming a law without such approval.

Approved May 21, 1907.

LAWS OF FLORIDA.

91

CHAPTER 5610—(No. 15).

1907.

AN ACT To Amend Section 1727 of the General Statutes of the State of Florida relative to Legal Printing.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 1727 of the General Statutes be amended so as to read as follows:

Section 1727. "Where to be Published.—Official and legal advertisements relating to any proceedings in any Court in this State, and all legal notices and advertisements or Sheriff's and Tax Collectors', unless otherwise provided by law, shall be published in the newspaper printed either wholly or in part in the county where such publication is required to be made."

Legal notices
Publication.

Sec. 2. All laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. This act shall become a law on its passage and approval by the Governor.

Approved May 2, 1907.

CHAPTER 5611—(No.16).

AN ACT To Provide for the Reception and Safe Keeping by the Commissioner of Agriculture of the Field Notes, Maps and Records in the Office of the Surveyor-General Appertaining to Land Titles in Florida.

Whereas, the Surveys of All Public Lands in the State of Florida Have Been Discontinued; and, Whereas, the Federal Office of Surveyor-General in Florida is About to be Discontinued; Necessitating under the Acts of Congress, the Delivery of the Important Records of that Office to Some Duly Authorized Official of this State for Safe Keeping; and, Whereas, such Delivery Cannot, by Law, be Made until Some Official of this State has been Authorized by State Law to Receive Them, and some Provision Made by Law for Their Safe Keeping: Therefore;

1907. *Be It Enacted by the Legislature of the State of Florida:*

Commission-
er of Agri-
culture to
keep records
of Surveyor
General's of-
fice.

Section 1. That upon the discontinuance by the Federal authorities of the office of Surveyor-General for the State of Florida, the Commissioner of Agriculture of the State of Florida is hereby fully authorized to receive all of the field notes, surveys, maps, plats, papers and records heretofore kept in the office of said Surveyor-General, and it shall be the duty of the Commissioner of Agriculture carefully and safely to keep and preserve all of said field notes, surveys, maps, plats, papers and records as part of the public records of his office, and shall at all times allow any duly accredited authority of the United States full and free access to any and all of such field notes, surveys, maps, plats, papers and records; and shall be authorized to make and furnish under his hand and seal certified copies of any or all of the same to any person or persons making application therefor; Provided, That when the Surveyor-General shall deliver the above named records to the Commissioner of Agriculture, the Commissioner of Agriculture is hereby authorized to employ one additional clerk whose salary shall not exceed one hundred dollars per month; Provided further, That it shall be the duty of the Secretary of State under the direction of the Board of State Institutions to provide some place suitable for keeping such records, maps and other papers.

Secretary of
State to pro-
vide place
for keeping
records.

Sec. 2. This act shall take effect immediately upon its passage.

Approved May 22, 1907.

CHAPTER 5612—(No. 17).

AN ACT To Amend Sections 219 of the General Statutes of the State of Florida, Relating to Directions for Printing, Etc., of Ballot.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 219 of the General Statutes of Florida be, and the same is hereby amended to read as follows:

"219. Directions for Printing, Etc., of Ballot.—All ballots provided by the Board of County Commissioners of any county for an election shall be alike, printed in plain type in straight lines upon plain white paper, so thick that the printing cannot be distinguished from the back, with a slender line between each name, and extending sufficiently to the left of the names to easily permit marking before each name a cross mark (X), and in the appropriate place the words, "Vote for One," (or two, or other number as the case may be), to indicate the numbers which may be elected to each office, and shall be substantially in the form prescribed in Section 220 (except that the order in which the several offices to be filled are stated may be varied), Provided, That nothing in the section shall be construed to prohibit the names of the several candidates for National, State and County offices, and other matters to be voted on, being printed in the same order as now and in one or more columns on the same ballot."

1907.

Form of ballot.

Proviso.

Approved May 22, 1907.

CHAPTER 5613—(No. 18).

AN ACT to Provide for the Number and Election of Committeemen of Executive or Standing Committees of Political Parties Holding Primary Elections Under the Laws of This State, to Define Their Powers in Relation to the Use of Proxies and Hearing Contests Before Them.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the State Executive or Standing Committee of any political party holding primary elections under the laws of this State, shall consist of one member from each county in the State and no more, who shall be elected for four years by the qualified electors of such party in the county at a primary election held by that party.

State Executive Committee, one member from each county.

1907.

Congressional Executive Committee.

Sec. 2. That the Congressional Executive or Standing Committee of any political party holding primary elections under the laws of this State, shall consist of one member from each county in such Congressional District and no more, who shall be elected for two years by the qualified electors of such party in the county at a primary election held by that party.

Senatorial District Executive Committee.

Sec. 3. That where a Senatorial District in this State is composed of more than one county, the Senatorial District Executive or Standing Committee of any political party holding primary elections under the laws of this State, shall consist of one member for each two hundred votes or major fraction thereof, cast by the members of such political party at the general election next preceding the election of such committeemen. Such committeemen shall be elected for four years by the qualified electors of such party in the county at a primary election held by that party.

County Executive Committee.

Sec. 4. That the County Executive or Standing Committee of any political party holding primary elections under the laws of this State, shall be not more than one member from each precinct in the county, who shall be elected for two years by the qualified electors of the party at a primary election held by such party in each precinct.

Oath to be taken by members.

Provided, That before any person shall enter upon the duties of Executive Committeeman, either county, State or Congressional, shall subscribe to the following oath or affirmation: "I do solemnly swear or affirm that I will perform the duties of Executive Committeeman in accordance with the provisions of the State primary law and will act impartially as to candidates in the enforcement of same," said oath to be filed with Clerk Circuit Court.

Proxies, how held.

Sec. 5. That no Executive or Standing Committee provided for in this act shall receive, allow nor recognize the proxy of any member of such committee at any meeting of the committee or in any manner, unless such proxy is held and represented in person by a resident citizen of the same county or precinct where the committeeman giving such proxy resides.

Sec. 6. That all vacancies occurring in any Executive

or Standing Committees provided for by this act, shall be filled by the County Executive or Standing Committee of the political party of the county where the committeeman causing the vacancy resided. 1907.

Vacancies,
how filled.

Sec. 7. That the decisions and rulings of the County Committee shall be final as to any candidate for county office, including State Senators and members of the House of Representatives in the Legislature; Provided, The decisions of Seatorial District Executive or Standing Committees as to State Senators shall be final. Decisions.

Sec. 8. That if any candidate for United States Senator, or any candidate for any State or Congressional office is dissatisfied with the rulings or decision of the County or Congressional Committee affecting his candidacy in said county, said candidate shall file within twenty days after the result is declared, with the State or Congressional Executive or Standing Committee, as the case may be, his protest as to the result of the election in such county; whereupon the chairman of the State or Congressional Executive or Standing Committee shall, after filing such protest, cause notice of such protest to be given to the County Executive or Standing Committee wherein the irregularities are alleged to exist, whereupon it shall be the duty of such County Committee to immediately forward a certified copy of all such evidence submitted to and considered by them and their rulings and decisions thereon to the State or Congressional Committee, as the case may be, and such committee shall review the findings and decisions of the County Committee and its decision thereon shall be final. Protests,
how and
when filed.

Duty of
Chairman.

Duty of
County Com-
mittee.

Sec. 9. That the members of all the committees provided for under the provisions of this act may hold their respective offices until their successors are elected and qualified under this law. Term of of-
fice.

Sec. 10. That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Repeal.

Approved June 3, 1907.

1907.

CHAPTER 5614—(No. 19).

AN ACT to Amend Section 180 of the General Statutes of the State of Florida, Relating to Supervision of Registration.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 180 of the General Statutes of the State of Florida be and the same is hereby amended so as to read as follows:

Supervisor to
take oath
and give
bond.

Compensa-
tion.

District Reg-
istration offi-
cers.

Repeal.

180. Supervisor to Take Oath and Give Bond.—Compensation. Each Supervisor shall, before entering on the performance of his duties, take the oath prescribed by Section 2 of Article XVI of the Constitution, and shall give a bond to the Governor of the State in the sum of five hundred (\$500) dollars, with two sureties, to be approved by the Board of County Commissioners of his county, conditioned for the faithful discharge of his duties as such Supervisor. The compensation of such Supervisors shall be such sum or sums in proportion to the amount of work to be done as may be fixed and allowed by the Board of County Commissioners in each county respectively; Provided, That the compensation of no Supervisor shall be less than one hundred (\$100.00) dollars per annum. The district registration officers shall be paid for their services by the respective counties such sum or sums as may be fixed by the Board of County Commissioners in each county respectively, after the Supervisor of Registration shall have certified the amount of service performed by each of such district registration officers.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved June 3, 1907.

LAWS OF FLORIDA.

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CHAPTER 5615—(No. 20).

1907.

AN ACT to Amend Section 1567 of the General Statutes of the State of Florida, Relating to the Powers of Commissioners of Other States.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1567, General Statutes of the State of Florida, be and the same is hereby amended so as to read as follows:

Commissioners appointed by the courts of the United States, or of any of the States or Territories of the United States, or of any foreign government, to take the testimony of any person residing within the limits of this State, shall have as full and ample powers as if they were appointed by the courts of this State.

Powers of Commissioners to take testimony.

Sec. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 3. That this act shall go into effect immediately upon its becoming a law.

Approved May 22, 1907.

CHAPTER 5616—(No. 21).

AN ACT to Amend Section 2921, Entitled "Mandamus, Injunction, etc.," Chapter 5, Entitled "Railroad Commissioners," of the General Statutes of the State of Florida, Relating to the Institution and Maintenance by the Railroad Commissioners of Proceedings against Common Carriers.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 2921, entitled "Mandamus, Injunction, etc.," Chapter 5, entitled "Railroad Commissioners," of the General Statutes of the State of Florida, is hereby amended so as to read as follows:

7—G. L.

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Mandamus.
Injunction.
Mandatory
injunctions,
etc.

2921. **Mandamus, Injunction, Etc.**—Said Commissioners may, at their discretion, cause to be instituted in any court of competent jurisdiction in this State, by the Attorney General, State Attorney or special counsel, designated by them, in the name of the State, proceedings by or for mandamus, injunction, mandatory injunction, prohibition or procedendo, against any such company or common carrier subject to the provisions of this chapter, or against any office or officer, agent or agents thereof, to compel the observance of the provisions of this chapter, or any rule, rate or regulation of the Commissioners made thereunder, or to compel the accounting for and refunding of any moneys exacted in violation of any one the provisions of this Chapter. In all cases where any common carrier shall have become indebted or liable for damages to a large number of persons by reason of its failure to abide by or comply with the provisions of any rule, rate or regulation of the Commissioners, or by its violation of any provisions of this Chapter, it shall be the duty of the Railroad Commissioners to demand of such common carrier by written notice served upon it, a discovery of the names of all such persons and an accounting and payment to all such persons of all such indebtedness or damages, and if such common carrier shall refuse or shall fail to make such accountings and payments within sixty days after such notice shall have been served upon it, it shall be the duty of the Railroad Commissioners to institute a proceeding or proceedings by or for mandamus or mandatory injunction against such common carrier to compel the making of such accountings and payments, and in any such proceeding upon an adjudication against such common carrier there shall be taxed as costs and paid over to the Railroad Commissioners to be paid out by them all such costs, attorneys' fees and expenses of such proceedings as shall appear to the court reasonable under all the circumstances and necessary to effect such accounting and settlement without cost or expense to the State or to the claimants, and the courts shall make all such orders as may be necessary or advisable to secure an accounting and payment of costs and damages as full and complete as may appear to be practicable, and any money not paid over to the persons to whom it shall be due within thirty days after such payment shall have been ordered made, shall be paid into the registry of the

1907.

Court to be disbursed to the proper persons upon orders of the Court. And said Commissioners are hereby given and granted full authority to do and perform any act or thing necessary to be done to effectually carry out and enforce the provisions and objects of this chapter.

Sec. 2. This act shall take effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5617—(No. 22).

AN ACT Requiring the Separation of White and Negro Passengers on Urban and Suburban Electric Cars Operated in This State, and Prescribing the Duties of Conductors and Passengers Thereon, and Fixing Penalties for the Violation Thereof.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That all persons, association of persons, firms or corporations operating urban and suburban (or either) electric cars as common carriers of passengers in this State, shall furnish equal but separate accommodations for white and negro passengers on all cars so operated. Separate accommodation

Sec. 2. That the separate accommodations for white and negro passengers directed in Section one of this act shall be by separate cars, fixed divisions, movable screens, or other method of division in the cars. Method of division.

Sec. 3. That any person, association of persons, firm or corporation failing, refusing or neglecting to make provisions for the separation of the white and negro passengers on such cars shall, for each offense, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars. This penalty may be enforced against the president, receiver, general manager, superintendent or other person operating such cars. Penalty for failure.

1907.

Each day a
separate of-
fense.

Sec. 4. That each day of refusal, failure or neglect to provide for the separation of the white and negro passengers as directed in this act shall constitute a separate and distinct offense.

Duty of
conductor.

Sec. 5. That the conductor or other person in charge of a car shall see that each passenger is in the car or division furnished for the race to which such passenger belongs, and any conductor or other person in charge of such car who shall permit any passenger of one race to occupy a car or division provided for passengers of the other race, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding twenty-five dollars, or by imprisonment in the county jail for not exceeding sixty days, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

Penalty for
refusal of
passenger to
vacate.

Sec. 6. That any passenger belonging to one race who wilfully occupies or attempts to occupy a car or division provided for passengers of the other race, or who occupying such car or division, refuses to leave the same when requested so to do by the conductor or other person in charge of such car, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding fifty dollars, or by imprisonment in the county jail for not exceeding three months, or by both such fine and imprisonment, in the discretion of the court. And the conductor or other person in charge of such car is hereby vested with full power and authority to arrest such passenger and to eject him or her from the car.

Power of
conductor to
arrest, etc.

Inscription
designating
car.

Sec. 7. That on the car or division provided for white passengers shall be marked in plain letters in a conspicuous place, "For White," and on the car or division provided for negro passengers shall be marked in plain letters in a conspicuous place, "For Colored."

Nurses.

Sec. 8. That nothing in this act shall be so construed as to apply to nurses of one race attending children or invalids of the other race.

Special cars.

Sec. 9. That this act shall not be so construed as to prevent the running of special or extra cars, in addition to the regular schedule cars, for the exclusive accommodation of either white or negro passengers.

Sec. 10. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

1907.

Sec. 11. That this act shall take effect thirty days after its passage and approval by the Governor.

Repealing clause.

When effective.

Approved May 7, 1907.

CHAPTER 5618—(No. 23).

AN ACT To Require Common Carriers To Pay Claims for Lost or Damaged Freight or Express and Overcharges on Freight or Express within a Certain Time, and Providing that in the Event a Common Carrier Fails to Pay Said Claim within Said Time that such Common Carrier Shall, in Certain Cases, be Liable for Interest on Said Claim at the Rate of Fifty per cent per Annum, and Shall also be Liable for a Reasonable Attorney's Fee.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That it shall be the duty of all common carriers operating within this State, and they are hereby required when any person files with, or presents to, them or any station agent of said common carrier to be filed, his claim for any freight or express lost or damaged by said common carrier, or for any overcharge made by such common carrier on any freight or express, to pay the said claim within sixty days from its filing with, or presentation to, said common carrier or any station agent of such common carrier.

Claim to be paid in sixty days.

Sec. 2. That should any common carrier fail to comply with the provisions of section one (1) of this act, then the said common carrier making such failure shall be liable to the claimant for the amount of his claim and fifty per cent per annum interest on the principal sum of said claim from the date of the filing of the same with, or presentation of the same to, the common carrier or any

Common carrier subject to pay principal and interest on claim.

1907.

Proviso.

station agent of such common carrier, and when the said claimant shall bring suit and recover judgment for his claim against said common carrier, he shall be allowed the said fifty per cent per annum, in addition to the principal sum of said claim, and the same shall be allowed in the verdict giving him judgment; Provided, however, That the claimant shall not recover and have judgment for the said fifty per cent per annum, unless he recovers judgment for a sum which fixes the principal sum of said claim at an amount greater than the amount which said common carrier had offered and tendered to the claimant in settlement of his claim before the expiration of said sixty days, in which the said common carrier is required to pay such claims under the provisions of section one (1) of this act.

Common
carrier liable
for attor-
ney's fee.

Sec. 3. That any common carrier who fails to comply with the provisions of section one (1) of this act, shall, in the event that the claimant shall prevail in an action to recover on his claim, be liable for a reasonable attorney's fee and it shall be the duty of the court to allow the claimant such reasonable attorney's fee, which shall be fixed by the court, not to exceed fifteen dollars, if the amount recovered does not exceed one hundred dollars, and not to exceed fifteen per cent on any amount recovered greater than the sum of one hundred dollars.

Conflicting
laws.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

When act
operative.

Sec. 5. That this act shall become operative upon its passage and approval by the Governor.

Approved June 3, 1907.

AN ACT Requiring Railroad Companies and Terminal Companies to Furnish Separate Waiting Rooms and Ticket Windows for White and Colored Passengers at Depots Along Their Lines of Railways, and Conferring Upon the Railroad Commissioners of the State of Florida Certain Powers and Duties in Relation Thereto.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That all railroad companies and terminal companies in this State are required, within six months after the passage of this act, to provide separate waiting rooms and ticket windows of equal accommodation for white and colored passengers at all depots along lines of railway owned, controlled or operated by them, and at terminal passenger stations controlled and operated by them. Separate accommodations required.

Sec. 2. That the Railroad Commissioners of the State of Florida are hereby authorized to require the building or alteration of any and all passenger depots and terminal stations in this State, in such manner as to secure the separation of white and colored passengers, as required by this act, but said Commissioners may for good cause shown extend the time for the building or alteration of any such depot for such time as may appear to them reasonable. Said Commissioners shall have power to prescribe all necessary rules, orders and regulations necessary to carry this act into effect. Power of Railroad Commissioners.

Sec. 3. If any railroad company or terminal company in this State shall refuse to comply with any provision of this act, or to comply with any rule, order or regulation provided or prescribed by the Railroad Commissioners under the authority of this act, such company shall thereby incur a penalty for each such offense of not more than \$5,000.00, to be fixed, imposed and collected by said Railroad Commissioners in the manner provided by law. Penalty.

1907.

When act ef-
fective.

Sec. 4. This act shall take effect upon its passage and approval by the Governor.

Approved May 15, 1907.

CHAPTER 5620—(No. 25).

AN ACT Authorizing the Railroad Commissioners of the State of Florida to Employ Special Counsel.

Be It Enacted by the Legislature of the State of Florida:

Authority to
employ spe-
cial counsel.

Section 1. The Railroad Commissioners of the State of Florida are hereby authorized to employ special counsel to advise them and to conduct any or all litigation or proceeding of any character instituted by or against them, and such special counsel shall be paid such compensation as said Commissioners deem proper out of the funds available for the maintenance of the Railroad Commission.

Conduct of
suits insti-
tuted.

Sec. 2. All suits instituted by the Railroad Commissioners through special counsel shall be conducted as now provided by law, and it shall be the duty of the Attorney General or any State Attorney to join in any such suit when requested to do so by said Commissioners.

When act ef-
fective.

Sec. 3. This act shall take effect upon its passage and approval by the Governor.

Approved May 10, 1907.

AN ACT to Prohibit the Giving of a Rebate, Special Rate, or Drawback, by any Common Carrier, or any Officer, Agent, or Employe Thereof, Doing Business in the State of Florida; or the Receiving of Same by any Person, Persons or Corporation.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That if any common carrier, engaged in business as such in the State of Florida, or any officer, agent or employe thereof, shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any corporation, person or persons, a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, than such common carrier charges, demands, collects or receives from any other corporation, person or persons for doing it, or him or her or them, a like and contemporaneous service in the transportation of a like kind of traffic, under substantially similar circumstances and conditions. such common carrier, officer, agent, or employe, shall be guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful. And it shall be unlawful for any corporation, person or persons, to receive any sum of money, rebate, or other thing of value, directly or indirectly, that is prohibited to be given, charged, demanded, collected or received by this act.

Discrimination declared unlawful.

Sec. 2. Any common carrier or corporation violating any provision or provisions of Section one of this act, shall, upon conviction thereof by a court of competent jurisdiction, be fined not less than one thousand dollars, nor more than twenty-five thousand dollars, and any officer, agent or employe of such corporation, or any other person violating the provisions of this act, shall, upon conviction by a court of competent jurisdiction, be deemed guilty of a felony and confined in the State prison for a term of not exceeding five years.

Fine.

Penalty.

Approved May 27, 1907.

AN ACT Relating to the Powers and Duties of the Railroad Commissioners with reference to the condition and Value of the Physical Properties and Equipments of Railroad Companies, and other Common Carriers.

Be It Enacted by the Legislature of the State of Florida:

Railroad Commissioners to employ inspector.

Section 1. It shall be the duty of the Railroad Commissioners of the State of Florida, and they are hereby empowered to employ a competent inspector to inspect the physical condition of the roadbed, rights of way, tracks, depot, rolling stock and other fixtures and equipment of any railroad or railroads being operated wholly or in part in the State of Florida, and to investigate and make estimate on cost of reproducing the same.

Compensation and duty of inspector.

Such inspector shall be paid such compensation as said Commissioners deem proper out of the funds available for the maintenance of the Railroad Commission, and he shall report in writing the result of his inspection, investigations and estimations to the said Commissioners at such times and in such manner as they shall direct.

Commissioners to make rules.

Sec. 2. It shall be the duty of said Railroad Commissioners, and they are hereby empowered to make and adopt reasonable rules and regulations requiring railroad companies and other common carriers operating railroads wholly or in part in the State of Florida to maintain the roadbeds, rights of way, tracks, depots, rolling stock, and other fixtures and equipment of such railway lines within the State of Florida in a safe and proper condition.

Commissioners to require safe switches.

Sec. 3. Said Railroad Commissioners shall require all railroad companies operating railroads, either in whole or in part within this State, to construct and maintain all their switches and switching devices in a safe manner and condition.

Sec. 4. If any railroad company, or other common carrier, operating a railroad wholly or in part in this State, shall refuse to comply with any rule, order or regulation provided or prescribed by the Railroad Commis-

sioners under the authority of this act, or shall otherwise violate any of the provisions of this act, such company or common carrier shall thereby incur a penalty for each such offense of not more than five thousand (\$5,000.00) dollars, to be fixed, imposed and collected by said Railroad Commissioners in the manner provided in section 2908 of the General Statutes of the State of Florida.

1907.

Penalty.

Sec. 5. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws.

Sec. 6. This act shall take effect upon its passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5623—(No. 28).

AN ACT To Impose License Taxes on Railroad Companies.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Any railroad company doing business in this State shall pay annually on the first day of October to the Comptroller of the State a sum equal to ten dollars for each and every mile of its railroad tracks in this State, including branches, switches, spurs and sidetracks, as shown by the last assessment of the said railroad company for property taxation, as a license tax, one-half of which amount shall be paid into the State Treasury, and one-half of which amount shall be distributed immediately by the Comptroller to the various counties in which such railroad may be located, proportioned to the amount of railroad trackage in each county, which license tax shall be in lieu of all other State and County license taxes on said railroad companies.

License taxes by railroad companies.

Sec. 2. Any city or town hereinafter described is hereby authorized to impose upon any railroad company

City or town may collect license taxes

1907.

from rail-
roads.

whose tracks extend into or through its corporate limits a license tax not exceeding the sums following: Municipalities of twenty thousand inhabitants or more, two hundred and fifty dollars; those of fifteen thousand to twenty thousand inhabitants, one hundred and fifty dollars; those of ten thousand to fifteen thousand inhabitants, one hundred dollars; those of five thousand to ten thousand inhabitants, seventy-five dollars; those of three thousand to five thousand inhabitants, fifty dollars, and those of one thousand to three thousand inhabitants, twenty-five dollars; those of five hundred to one thousand inhabitants, fifteen dollars; those of less than five hundred inhabitants, ten dollars.

Population

For the purposes of this section, the population of any such municipality shall be held to be that shown by the last official census, whether of the United States or of this State, or by any later census which may be taken as now provided by law.

Approved June 3, 1907.

CHAPTER 5624—(No. 29).

AN ACT To Amend Section 2910, Chapter V. of the General Statutes of the State of Florida. Relative to the Power of the Railroad Commission to Sue in Behalf of Individuals and the Time in Which Certain Suits Shall be Brought.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 2910 of Chapter V. of the General Statutes of the State of Florida be, and the same is hereby amended to read as follows:

Commission-
ers to insti-
tute pro-
ceedings if
requested.

Sec. 2910. Power To Sue in Behalf of Individuals.— If any railroad, railroad company or other common carrier doing business in this State, shall, in violation or disregard of any rule, rate or regulation, provided by the Commissioners aforesaid, inflict any wrong or injury on any person, it shall be the duty of the Railroad Commissioners, if requested by such injured person, to institute

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proceedings to compel restitution, and to enforce the penalty incurred in any court having jurisdiction, and such action by the Railroad Commission shall preclude settlement by the party or parties injured without the consent of the Commission. And if any railroad company or common carrier shall discriminate, by way of rebate or otherwise, directly or indirectly, in favor of any consignor or consignee of freights within this State, or allowing him a reduction of the rate fixed by said Commissioners as reasonable and just, any other consignor or consignee of freights within this State shall have a right of action against the said railroad company or common carrier, and the amount of his damages shall be fixed by a jury, unless a jury shall be waived, and the measure of damages shall be such sum or sums of money as will fairly compensate the injury done to said last mentioned consignor or consignee. But in all such cases demand in writing on said railroad, railroad company or common carrier shall be made for the money damages sustained before suit is brought for recovery under this section, and all suits under this chapter shall be brought within twelve months after the commission of the alleged wrong or injury, except in cases where the Railroad Commissioners have heretofore been, or shall hereafter be, by the refusal of such railroad or common carrier to observe the rates, rules, schedules or regulations, and in such cases, suits for such loss, damage or penalty may be brought within twelve months after the termination of such suits in favor of the Railroad Commissioners.

Right of action on account of discrimination.

Demands to be made in writing, in 12 months.

Exception.

Sec. 2. This act shall take effect upon its passage and approval by the Governor.

Approved June 3, 1907.

LAWS OF FLORIDA.

CHAPTER 5625—(No. 30).

AN ACT To Amend Section 2887 of the General Statutes of the State of Florida, Relating to the Holding of Sessions of the Railroad Commissioners, and Expenditures by them.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 2887 of the General Statutes of the State of Florida be amended so as to read as follows:

Sessions and
expenditures
Railroad
Commission-
ers.

Sec. 2887. Clerk of Commissioners and His Salary and Place of Meeting.—Said Commissioners may employ a clerk at a salary of not more than \$1,500.00 per annum. The office of said Commissioners shall be at the capitol at Tallahassee, but they may hold sessions anywhere in the State at their discretion, and all such sums of money authorized to be paid on account of said Commissioners shall be paid out of the State Treasury, only on the order of the Comptroller, countersigned by the Governor, not exceeding the sum of \$25,000.00 per annum.

Sec. 2. This act shall take effect the 1st day of July, 1907.

Approved June 3, 1907.

CHAPTER 5626—(No. 31).

AN ACT To Require Express Companies Doing Business in this State To Post Schedules of Rates and to Weigh All Articles Received by such Companies for Shipment by Express, or Delivered by such Companies, such Articles Having Been Received by Express, and Providing a Penalty for the Violation Thereof.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That every express company doing business in this State shall have posted in a conspicuous place,

1907.

easily accessible to the public, at every place where articles are received by such company for shipment by express, or delivered by such company, such articles having been received by express, a schedule of rates, plainly printed; and that all such articles shall be weighed on demand of and in the presence of the consignor or consignee, his servant or agent, on standard scales to be furnished by the express company, and that no charge greater than that specified in the posted schedule shall be made by such express company.

Company to
post schedule
and weigh
articles.

Sec. 2. That any express company doing business in this State violating, failing or refusing to comply with the provisions of Section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars. Every day of such violation, failure or refusal shall constitute a separate and distinct offense.

Penalty.

Each day a
separate of-
fense.

"Provided, however, That if such violation be an excessive charge for transporting or carrying any article or thing, and within fifteen days after demand at the place where paid such excess over the proper charge be returned to the party paying the same, then the penalty or forfeiture above provided shall not be enforced."

Proviso.

Sec. 3. That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Conflicting
laws.

Sec. 4. This act shall go into effect sixty days from the day upon which it shall become a law.

When act ef-
fective.

Approved May 27, 1907.

AN ACT Providing that Express Companies Shall Transport Packages of Merchandise, not Weighing over Five Pounds, of the Value of not More Than Fifty Dollars, Anywhere in the State not Exceeding Two Hundred Miles, for Twenty-five Cents, and Prescribing a Penalty for a Violation Thereof.

Be It Enacted by the Legislature of the State of Florida:

Express rate
on five
pounds 200
miles.

Section 1. That any express company doing business in the State of Florida shall transport and carry any package of merchandise not weighing over five pounds, of the value of not more than fifty dollars, from point to point in this State not exceeding two hundred miles, for the sum of twenty-five cents, and shall charge no more for the transportation of the same.

Penalty.

Sec. 2. That any express company, its agents, or employee who shall violate the provisions of Section 1 of this act, and collect more than the amount as prescribed, shall, upon conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months.

When act ef-
fective.

Sec. 3. That this act shall go into effect and be in full force on and after sixty days after its passage and approval by the Governor.

Approved June 3, 1907.

AN ACT to Fix a Penalty and Other Liabilities upon any Telegraph Company Owning or Operating a Telegraph Line or Lines Wholly or Partly in this State, and Engaged in the Transmission of Messages for a Consideration, for the Negligent Failure Promptly to Transmit and Deliver to the Addressee any Message Received by it or by any of its Agents or Employees for Transmission, and to Fix a Rule of Evidence in Actions to Recover same.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That any telegraph company owning or operating a telegraph line or lines wholly or partly in this State, and engaged in transmitting messages for a consideration, who shall negligently fail promptly to transmit and deliver to the addressee, any message received by such company or by any of its agents or employees for transmission, shall be liable to the sender of such message in a penalty for fifty (\$50.00) dollars, and in addition thereto, shall be liable to both the sender and to the addressee of such message for all damages which they or either of them may sustain in consequence of such negligent failure promptly to transmit and deliver any message so received for transmission as aforesaid, and the company shall not be relieved from such penalty or liability by any stipulation or notice to the contrary; Provided, That the provisions of this section relative to the delivery of messages shall apply only to deliveries in incorporated cities and towns.

Penalty and damages for failure to transmit messages.

Sec. 2. The failure promptly to transmit or to deliver to the addressee any message so received for transmission as aforesaid shall be presumed to be due to the negligence of the company accepting such message for transmission until the contrary shall be made to appear.

Presumed negligence.

Sec. 3. That any person recovering the penalty herein specified or any damage under this act, shall be entitled to recover in addition thereto, ten (10 p. c.) per cent. of the amount so recovered as attorneys' fees.

Attorney's fees.

1-G. L.

1907

When act ef-
fective.

Sec. 4. This act shall take effect from and upon its passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5629—(No. 34).

AN ACT to Fix a Penalty and Other Liabilities upon any Telegraph Company Owning or Operating a Telegraph Line or Lines Wholly or Partly in This State Engaged in the Transmission of Messages, for a Consideration, for the refusal of such Company, its Agents or Employees to Receive any Message Tendered to it or to any of its Agents or Employees, Together with the Usual Charges for the Transmission of such Messages at any Office or Place where such Messages are Usually Received for Transmission, During the Usual Hours in which Messages are Received at Said Office or Place for Transmission to the Destination to which the Message so Refused is Addressed, and to Prescribe a Rule of Evidence in Actions to Recover Same.

Be It Enacted by the Legislature of the State of Florida:

**Penalty
failure.** for

Section 1. That any telegraph company owning or operating any telegraph line or lines wholly or partly in this State and engaged in transmitting messages, for a consideration, who shall refuse to receive for transmission any legible message tendered to it or to any of its agents or employees for transmission at any office or place where such messages are usually received for transmission during the usual hours in which messages are received at such office or place for transmission to the destination to which the message so refused is addressed, Provided, Such destination is a place to which messages are usually transmitted, together with the usual charge for the transmission of such a message, shall be liable to the sender and addressee of such message in a penalty of fifty (\$50.00) dollars, and in addition thereto shall be liable both to the sender and to the addressee of such

message for all damages which they or either of them may sustain in consequence of the refusal to receive, transmit and deliver such message unless it shall be made to appear that the line or lines over which such message should be transmitted is or are in such condition that such message could not be transmitted by means thereof, and the burden of showing such a condition of said line or lines shall be upon the company.

Company
liable for
damages.

1907.

Sec. 2. That any person recovering the penalty herein specified or any damage under this act shall be entitled to recover in addition thereto ten (10 p. c.) per cent. of the amount so recovered as attorneys' fees.

Sec. 3. This act shall take effect from and upon its passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5630—(No. 35).

AN ACT To appropriate the Sum of One Thousand Dollars, or so Much Thereof as may be Necessary, for the Use of the Joint Committee the Senate and House Appointed To Investigate the Transactions of the Internal Improvement Board.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That there is hereby appropriated the sum of one thousand dollars, or so much thereof as may be necessary, for the use of the joint committee of the Senate and House appointed to investigate the transactions of the Internal Improvement Board.

Appropriation.

Sec. 2. That the Comptroller is hereby directed to draw his warrant in favor of H. H. Buckman, Esq., Chairman of the Joint Committee, for said amount in such sums and at such times as the Chairman of the Joint Committee shall request, and the State Treasurer is hereby directed to pay the same.

Comptroller
to draw war-
rant.

Sec. 3. That all laws and parts of laws in conflict

Conflicting
laws.

1907.

When act ef-
fective.

with the provisions of this act be, and the same are hereby repealed.

Sec. 4. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 1st, 1907.

CHAPTER 5631—(No. 36).

AN ACT Directing the Trustees of the Internal Improvement Fund of Florida to Construct a Lock Across Lake Hicpochee Canal and Making an Appropriation for the Same.

Whereas, during the rainy season of each year the overflow from Lake Okeechobee into the Caloosahatchee River through Lake Hicpochee Canal causes great damage to the whole Caloosahatchee Valley;

And whereas, it has been definitely settled by competent authority that the erection of a lock across Lake Hicpochee Canal at or near the Lake Shore, with a levee on each side of said lock, would prevent the annual inundation of said Valley; therefore,

Be It Enacted by the Legislature of the State of Florida:

Authority to
construct
lock.

Section 1. That the Trustees of the Internal Improvement Fund of Florida be, and they are hereby directed to construct a lock with a gateway across what is known as the Lake Hicpochee Canal at or near the Lake Shore, and to construct a levee or embankment on each side of said lock.

Authority to
make rules.

Sec. 2. That said Trustees of the Internal Improvement Fund be, and they are hereby authorized to make such rules and regulations as they may deem proper for the opening and closing of said lock and to appoint a keeper for the same.

Appropriation.

Sec. 3. That the sum of twenty-five thousand dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the Treasury,

not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

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Sec. 4. It shall be the duty of the Comptroller to draw his warrant upon the Treasurer in favor of the Trustees of the Internal Improvement Fund for such sums as may be found necessary to carry into effect the provisions of this act, not exceeding the amount appropriated, and said money shall not be used for any other purpose.

Comptroller to draw warrant.

Sec. 5. This act shall take effect immediately upon its passage and approval by the Governor.

When act effective.

Approved May 22, 1907.

CHAPTER 5632—(No. 37).

AN ACT to Create a Commission for the Investigation of the Acts and Doings of the Trustees of the Internal Improvement Fund; Defining Its Duties and Powers, and Making Appropriations for Carrying Out the Provisions of the Same.

Be It Enacted by the Legislature of the State of Florida:

Section 1. A Commission is hereby created consisting of three members of the Senate, to be elected by the Senate, and four members of the House of Representatives, to be elected by the House of Representatives, for the purpose of investigating the affairs of the Internal Improvement Fund.

Creation of Commission.

Sec. 2. The said Commission shall meet as soon as practicable and begin the investigation, commencing at the date of the creation of the Board by the act of the Legislature of 1855 and continue down to the present time, or such time as said Commission shall have reached the date of the last acts of the said Trustees.

Duty of Commission.

Sec. 3. The said Commission shall have power to summon and compel the attendance of witnesses and the production of books and papers by process of subpoena and attachment signed by the chairman of the Commission which process shall be executed by the Sheriff of the

Powers of Commission.

1907.

- county wherein the witnesses or books and papers are to be found; and shall have power to administer oaths by any member of the Commission, and to examine witnesses under oath and do all things necessary to a complete and thorough investigation. The Commission shall also have power to employ all clerical and other aid necessary to the due performance of its duties; Provided, That the Commission shall not employ any legal adviser or counsel. The fees allowed for the services of process shall be the same as those allowed by law in the Circuit Court for like services. The Joint Committee of the House and Senate, heretofore appointed under House Concurrent Resolution No. 1 to investigate the Internal Improvement Fund, consisting of H. H. Buckman, J. H. Humphreys and Thomas F. West, from the Senate, Syd L. Carter, John W. Watson, R. Pope Reese and J. F. C. Grigga, from the House, is hereby directed to turn over to the Commission hereinafter named all records, papers received and all evidence, books and papers in its possession, taken by it in carrying out the investigation under the said resolution, and when same is done such committee shall be discharged. The said Commission shall receive and take charge of all papers, records and testimony heretofore had, received and made by the Joint Committee appointed under House Concurrent Resolution No. 1 of this Legislature to investigate the Internal Improvement Fund and shall, out of the appropriation herein made, pay all unpaid expenses of the Joint Committee incurred by it in making its investigation; Provided, The accounts for the same shall appear to have been approved and certified by said Joint Committee.
- Proviso.** Sec. 4. The said Commission are hereby empowered to employ a stenographer and typewriter and an expert accountant or accountants and such other employees as may be necessary, who shall be under their control and who shall make reports to the said Commission only.
- Duties of Commission.** Sec. 5. In making the investigation the sessions of the Commission shall be open to the public when witnesses are being examined, except when the Commission by consent of 3-4 of its members shall decide otherwise.
- Public sessions.** Sec. 6. If any member of said Commission shall refuse to serve on said Commission, his place shall be filled by
- Vacancy on Commission.**
- Fees.**
- Duty and discharge of Joint Committee.**

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the other members of the Commission by the election of a Senator, if the vacancy be in the place of a Senator, or of a member of the House of Representatives, if the vacancy be in the place of a Representative.

Sec. 7. The Commission shall complete their work as soon as practicable and make their report to the Legislature. Requirement

Sec. 8. For the purposes of carrying out the provisions of this act, and defraying the expenses of said Commission and of the witnesses and clerical help, the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby appropriated to be paid out of any moneys in the Treasury not otherwise appropriated, and the Comptroller is hereby required to draw his warrant in favor of the Chairman of the said Commission in such sums as said Chairman may deem necessary when such demand is accompanied by an itemized statement of expenses covering said amount. The members of the said Commission shall be allowed six dollars per day and mileage for expenses. Appropriation.
Compensation of Commission.

Sec. 9. That this act shall take effect immediately upon its passage and approval by the Governor. When act effective.

Approved May 31st, 1907.

CHAPTER 5633—(No. 38).

AN ACT Making an Appropriation to Pay the Expenses Incurred by the Joint Committee Appointed under House Concurrent Resolution No. 1, to Investigate the Charges Affecting and the Acts and Doings of the Trustees of the Internal Improvement Fund from Its Commencement to the Present date.

Whereas, under House Concurrent Resolution No. 1, passed at this session, the Joint Committee, composed of three on the part of the Senate and four on the part of the House, was appointed for the purpose of investigating the charges against and the acts and doings of

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the Trustees of the Internal Improvement Fund from its commencement to the present time;

Whereas, the said resolution empowered said committee to employ clerical assistance and aid, send for persons, papers, etc., and report to this session of the Legislature;

Whereas, said committee has completed its labors as far as it was able to do within the limited time allotted to it and has made its report;

Whereas, the expenses incurred by said committee in making the said investigation, employment of accountants, stenographer, papers, copies, books, with the expense of summoning and pay of witnesses, etc., before it, amounts to the total sum of \$2,885.47, as shown by its report;

Whereas, the sum of \$1,000 was appropriated and set apart for the use of the committee by an act passed at this session on account of expenses incurred by it.

Whereas, the said committee has vouchered accounts for the full sum of \$2,885.47, and there is still due, as the committee estimates, the sum of less than \$20 in addition thereto for telegraph bills and fees for Sheriff, which bills the committee has not been able to obtain:

Be It Enacted by the Legislature of the State of Florida:

Appropriation.

Section 1. That the sum of \$1,920.00, or so much thereof as may be necessary, is hereby appropriated out of the funds in the Treasury not otherwise appropriated, for the payment of the unpaid accounts and expenses of said Investigating Committee, to be paid in like manner as other payments are paid out of said Treasury, Provided, Said accounts are accompanied by certificate or voucher of the the Chairman of the said Joint Committee approving their payment.

proviso.

When act effective.

Sec. 2. This act shall take effect immediately upon its approval by the Governor.

Became a law without the approval of the Governor.

AN ACT To Provide for the Examination, Auditing of Claims Against the State of Florida for Services Rendered During the Seminole Indian Wars, and for the Examination, Auditing of Claims for Forage, Subsistence and Transportation Furnished During Said Wars.

Whereas, In the settlement of the mutual accounts between the United States and the State of Florida, the State of Florida received from the United States Government the sum of \$261,934.31 on account of expenditures made in suppressing Indian hostilities in 1849 and in 1855 and 1856, as shown by the report of the Board of Commissioners provided for by Chapter 5451 Laws of 1905, to examine into all claims in which it is set forth that the State of Florida has received moneys from the United States, in the settlement of Indian War Claims; and,

Whereas, There are many claims owned by individuals upon which the said sum of money was received by the State, that have not yet been paid to the owner of such claim or claims, and that there still remains in the State Treasury a very large proportion of said money so collected which should be paid to the owners of such claims; and,

Whereas, The Board of Commissioners created by Chapter 5451 of the Laws of Florida of 1905, in their report to the Governor, recommended that the "Legislature should provide by law for the appointment of a Commission and vest it with the power to hear and investigate all claims against the State on account of expenses incurred in the suppression of Indian hostilities since January 1, 1849, and authorize such Commission to employ the services of such persons as it may deem necessary, to secure copies of all the State's vouchers now on file in the Departments of War and Treasury in Washington," etc.; therefore,

Be It enacted by the Legislature of the State of Florida:

Section 1. That the Governor shall appoint three suitable persons to be Commissioners to examine and audit

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Governor to
appoint
Commission-
ers.

all claims against the State of Florida for enrolled services rendered, and forage, subsistence and transportation furnished by authority of the State of Florida or its duly authorized officials, during the Seminole Indian Wars of 1849 and 1855, 1856 and 1857. Said Commissioners shall be appointed within thirty days from the adjournment of this session of the Legislature.

Commission-
ers to give
notice of
meeting.

Sec. 2. That said Commissioners shall, within thirty days after their appointment by the Governor, give notice by publication in four newspapers in this State, one in Pensacola, one in Tallahassee, one in Jacksonville and one in Tampa, of the time and place of their first meeting for the purpose of investigating and receiving such claims as hereinbefore mentioned, which meeting shall be not more than sixty nor less than forty-five days from the date of publication of notices of such meeting. The publication of notice of the time and place when the Commissioners shall meet shall run for two weeks.

Wailes Claim

Nothing in this act shall be construed to allow the Commission to consider the Wailes claim.

Time to pre-
sent claims.

Sec. 3. That all claims against the State of Florida for services rendered, and forage, subsistence and transportation furnished by authority of the State of Florida or its duly authorized officials shall be presented to the said Commissioners at the time of their meeting hereinbefore provided for.

Disposition
of unpaid
claims.

Sec. 4. That all claims or proof of claims that have not heretofore been paid or settled, that have at any time heretofore been submitted to and left in the possession of any Commissioner, Board of Commissioners or any State official, heretofore appointed or created by the Legislature to examine Indian War Claims, shall be returned to the owner or owners or legal representative of such claim or claims. Provided, however, That no claim heretofore considered by any former Legislature and rejected, shall be considered by said Commission.

Proviso.

Treatment of
approved
claims.

Section 5. That said Commissioners shall, within six months from the date of their first meeting, make a statement in writing of each claim presented to them, and shall file with the Comptroller of this State a statement of each of such claims that they approve, with their approval indorsed thereon; and make their report to the

Report to
Governor.

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Governor of this State, who shall report the findings of the Commission to the next session of the Legislature, with his recommendations thereon. **Provido.** That no claim or warrant be allowed for enrolled service where the name of original holder of warrant does not appear on the original muster rolls, or certified copies thereof, furnished by the War Department at Washington, of the companies who were regularly mustered into State service, and that no claims be allowed except that for enrolled service.

Sec. 6. That the said Commissioners shall return to the owner or owners all such claims as are presented to them and disallowed, with a letter of transmittal containing the reason for such motion on the part of the Commissioners. **Treatment of disallowed claims.**

Sec. 7. That said Commissioners are hereby authorized to send for persons and papers, administer oaths, employ such clerical assistance as they deem necessary, and incur such other expense as is necessary, to carry out the provisions of this act. **Authority of Commission.**

Sec. 8. That each of said Commissioners shall receive the sum of five hundred dollars for his services in carrying out the provisions of this act, and all traveling and necessary incidental expenses. The Commissioners shall approve each bill for traveling and necessary incidental expenses; and the Comptroller shall draw his warrant on the State Treasury for the amounts thereof, together with the amount which each Commissioner is to receive for his services. **Compensation. Expenses.**

Sec. 9. That only such claims shall be allowed and paid as have been used by the State of Florida in making its account against the Government of the United States, admitted by the National Government and paid to the State of Florida. **Claims allowable.**

Sec. 10. That the sum of three thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to carry out the provisions of this act. **Appropriation.**

Sec. 11. That this act shall take effect immediately upon its approval by the Governor. **When act effective.**

Approved June 3, 1907.

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CHAPTER 5635—(No. 40).

AN ACT Relative to Contracts for Printing and Reprinting the Reports of the Supreme Court of This State, and to Provide for the Printing of Certain Volumes thereof.

Be it Enacted by the Legislature of the State of Florida:

Provisions in contracts. Section 1. That the Board of State Institutions, in contracting for the work of printing or reprinting the reports of the Supreme Court of this State, shall provide in the contract or contracts that the printer shall not print or publish, or cause or enable any other person to print or publish any copy of such reports over and above the number contracted to be supplied by the State, under penalty of forfeiture of the contract price, and shall provide for the prompt demolition of the type from which the reports are printed or reprinted as soon as the printing is completed.

Approval. Sec. 2. Every such contract shall provide that the work shall be approved by the Justices of the Supreme Court, or a majority of them, before payment shall be made therefor.

Volumes reprint. to Sec. 3. That the Board of State Institutions shall at once have Volumes Two, Four, Five, Six, Nine, Twelve, Seventeen, Twenty, Twenty-three, Twenty-four, Twenty-five and Twenty-six of the Florida Supreme Court Reports reprinted by the lowest and best bidder for such work, after sixty days' publication of notice for such bids, and shall contract for eight hundred perfect unbound copies of each and every of said reprinted volumes to be furnished to the State, with the exception of Volume Twelve, of which there shall be furnished to the State seven hundred and eighty perfect unbound copies of Part One of said Volume Twelve, and five hundred and sixteen perfect unbound copies of Part Two of said Volume Twelve. In reprinting said volumes the paging of existing editions of said volume shall be retained.

Bids.

Number of books.

Appropriation. Sec. 4. That whatsoever amount of money shall be necessary to accomplish the work of reprinting provided for in the third section of this act is hereby appropriated for

such purpose from any funds in the State Treasury not otherwise appropriated; and the Comptroller is hereby authorized and required to draw his warrant upon the Treasury to be countersigned by the Governor for such amount, in conformity to the terms of the contract to be entered into for such work.

Sec. 5. This act shall take effect immediately upon its passage and approval by the Governor. When act effective.

Approved May 22, 1907.

CHAPTER 5636—(No. 41).

AN ACT to Repeal Section 1421 of the General Statutes of the State of Florida Relative to Filing Pleadings, Papers and Proceedings in Duplicate.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1421 of the General Statutes of the State of Florida, which requires pleadings, papers and proceedings in civil cases to be filed in duplicate, be, and the same is hereby repealed.

Sec. 2. This act shall take effect immediately upon becoming a law.

Approved May 21, 1907.

CHAPTER 5637—(No. 42).

AN ACT To Permit Pleas to the Jurisdiction, or in Abatement, To Be Pleaded with Pleas in Bar, or to the Merits, and Providing for the Trial Thereof.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Pleas to the jurisdiction or in abatement may be pleaded in any action with pleas in bar or to the

1907. merits, and such pleas shall be tried at the same time and together or separately, as the Court may direct or see fit to do.

Sec. 2. This act shall take effect immediately.

Approved May 27, 1907.

CHAPTER 5638—(No. 43).

AN ACT To Amend Section 1698 of the General Statutes of the State of Florida, Relating to Procurement and Effect of Writs of Error.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section number one thousand six hundred and ninety-eight of the General Statutes of the State of Florida be, and the same is hereby amended to read as follows:

1698. Right To Test and Service of.—All writs of error shall be tested in the name of the Chief Justice of the Supreme Court and shall issue on demand as matter of right, from the office of the Clerk of the Appellate Court or from that of the Clerk of the Court (or if there be no Clerk, from the office of the Judge) in which the judgment has been rendered, and shall be returnable to a day, either in term time or vacation more than thirty days and not more than ninety days from the date of the writ.

Original
plaintiff to
pay cost.

But no writ of error shall be granted to the original plaintiff in any suit unless said plaintiff shall first pay all costs which may have accrued in and about the said suit up to the time when said writ of error shall be prayed.

How served.

The writ of error shall be served by filing it in the court the judgment of which is complained of.

Prior appeals

Sec. 2. The provisions of this act shall not effect any appeal or writ of error entered or sued out prior to the date when this act shall go into effect.

Sec. 3. This act shall take effect immediately on becoming a law.

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Approved June 3, 1907.

When act effective.

CHAPTER 5639—(No. 44).

AN ACT to Provide for Change of Venue in Criminal Cases in Criminal Courts of Record.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That in all criminal cases pending in any of the Criminal Courts of Record in any county in this State, changes of venue may be had and granted upon the same terms and for the same reasons and grounds and in same manner as is now provided by law for changes of venue in causes pending in the Circuit Courts.

Same grounds, etc., as in Circuit Courts.

Sec. 2. When any change of venue is granted in any cause in any such Criminal Court of Record, the venue shall be changed to the Criminal Court of Record in some adjoining county, if there be one, but if there shall be no Criminal Court of Record in any adjoining county, the venue shall be changed to the Circuit Court of some adjoining county; Provided, That the venue in cases of misdemeanor shall be changed to the County Court of some adjoining county, if there be a County Court therein, and upon such change the original papers in the cause together with a certified copy of the order changing the venue shall forthwith be forwarded by the Clerk of the Court to which such venue is changed and shall preserve in his office certified copies of all such original papers so transmitted.

To what court changeable.

Provido.

Sec. 3. This act shall take effect immediately upon its passage.

Approved May 7, 1907.

LAWS OF FLORIDA.

CHAPTER 5640—(No. 45).

AN ACT to Amend Section 1337 of the General Statutes of the State of Florida, Relating to Disqualifications of Judges.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 1337 of the General Statutes of the State of Florida be amended so as to read as follows:

1337. What are Disqualifications.—No Judge of any court shall sit or preside in any case to which he is a party, or in which he is interested, or in which he would be excluded from being a juror by reason of interest, consanguinity or affinity to either of the parties; nor shall he entertain any motion in the cause other than to have the same tried by a qualified tribunal.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall take effect upon its approval by the Governor.

Approved June 3, 1907.

CHAPTER 5641—(No. 46).

AN ACT To Amend Section 1811 of the General Statutes Fixing the Regular Terms of the Circuit Court of the Seventh Judicial Circuit.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1811 of the General Statutes, fixing the regular terms of the Circuit Court of the Seventh Judicial Circuit shall be amended so as to read as follows:

1811. Seventh Judicial Circuit—

LAWS OF FLORIDA.

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SPRING TERMS.

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St. Lucie, third Tuesday in February.
Dade, first Tuesday in March.
Brevard, fourth Tuesday in March.
Volusia, second Tuesday in April.
Osceola, fourth Tuesday in April.
Orange, second Tuesday after fourth Tuesday in April.

FALL TERMS.

St. Lucie, third Tuesday in September.
Dade, first Tuesday in October.
Brevard, fourth Tuesday in October.
Volusia, second Tuesday in November.
Osceola, fourth Tuesday in November.
Orange, second Tuesday after fourth Tuesday in November.

Approved May 7, 1907.

CHAPTER 5642—(No. 47).

AN ACT to Prescribe the Time for Holding the Terms of the Circuit Court in and for the Eighth Judicial Circuit of the State of Florida, and to Repeal Chapter 5397. Acts of 1905, Approved May 26th, 1905, and Section 1812 of the General Statutes of the State of Florida, Relating to the Time for Holding Terms of the Circuit Court in the Eighth Judicial Circuit.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the time for holding the terms of the Circuit Court in and for the Eighth Judicial Circuit shall be as hereinafter fixed. There shall be two regular terms of said Court held in each county of said Eighth Circuit each year, to be known as the Spring Term and Fall Term.

Sec. 2. The Spring Term of the Circuit Court for the Spring Term. Eighth Judicial Circuit shall commence in the county of

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Levy on the third Monday in March; in the County of Baker on the first Monday in April; in the County of Putnam on the second Monday in April; in the County of Bradford on the fourth Monday in April, and in the County of Alachua on the first Monday in May.

Fall Term.

The Fall Term of said court shall commence in the County of Levy on the third Monday, in September; in the County of Baker on the first Monday in October; in the County of Baker on the second Monday in October; in the County of Bradford on the fourth Monday in October; and in the County of Alachua on the second Monday in November.

Sec. 3. That Chapter 5397, Acts of 1905, approved May 26th, 1905, and Section 1812 of the General Statutes of the State of Florida relating to the time of holding the Spring and Fall Terms of the Circuit Court in and for the Eighth Judicial Circuit of the State of Florida, in so far as the same are in conflict with the provisions of this act, be and the same are hereby repealed.

Approved May 27, 1907.

CHAPTER 5643—(No. 48.)

AN ACT To Amend Section 1 of an Act Entitled "An Act to Provide for the Payment by the State of Florida of All the Actual Traveling Expenses of the Judges of the Circuit Courts of the State when Holding Sessions of Court in Their Respective Circuits," Approved June 6, 1905, by Increasing the Limit Therein Fixed and by Providing for the Payment of Such Expenses when Sitting at Chambers.

Be it Enacted by the Legislature of the State of Florida:

**Traveling
expenses.**

"Section 1. The actual traveling expenses of the Judges of the Circuit Courts of this State, incurred in traveling from their places of residence to the county sites of the counties in their respective circuits, when holding sessions of the court therein as prescribed by law, or when sitting at chambers, shall be paid by the

State, but no such expenses for any one year shall exceed 1907.
seven hundred and fifty dollars for any one Judge." Limit.

Sec. 2. All laws or parts of laws in conflict with this Conflicting laws.
act be, and the same are hereby repealed.

Sec. 3. This act shall take effect from and after its When act ef-
passage and approval by the Governor. fective.

Approved June 1, 1907.

CHAPTER 5644—(No. 49).

AN ACT to Amend Section 1806 of the General Statutes
of the State of Florida, Fixing the Time for Holding the
Circuit Court in the Second Judicial Circuit.

Be it Enacted by the Legislature of the State of Florida :

Section 1. That Section 1806 of the General Statutes of
the State of Florida be and the same is hereby amended
so as to read as follows:

Section 1806. Second Judicial Circuit—

SPRING TERMS.

Liberty, second Monday in March.

Calhoun, third Monday in March.

Franklin, first Monday after the fourth Monday in
March.

Gadsden, second Monday after the fourth Monday in
March.

Jefferson, fourth Monday after the fourth Monday in
March.

Wakulla, sixth Monday after the fourth Monday in
March.

Leon, seventh Monday after the fourth Monday in
March.

FALL TERMS.

Liberty, last Monday in September.

Calhoun, first Monday in October.

Franklin, third Monday in October.

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Gadsden, fourth Monday in October.
 Wakulla, second Monday after the fourth Monday in October.
 Jefferson, third Monday after the fourth Monday in October.
 Leon, fifth Monday after the fourth Monday in October.
 Approved June 3, 1907.

CHAPTER 5645—(No. 50.)

AN ACT to Amend Section 1807 of the General Statutes of the State of Florida, Relating to the Time of Holding the Circuit Court in the Third Judicial Circuit of the State of Florida.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1807 of the General Statutes of the State of Florida be amended so as to read as follows:

1807. Third Judicial Circuit—

SPRING TERMS.

Hamilton, fourth Monday in January.
 Taylor, fourth Monday in March.
 Madison, second Monday in April.
 Columbia, fourth Monday in April.
 Suwannee, second Monday in May.
 Lafayette, Tuesday after the fourth Monday in May.

FALL TERMS.

Hamilton, fourth Monday in August.
 Taylor, fourth Monday in September.
 Madison, second Monday in October.
 Columbia, fourth Monday in October.
 Suwannee, second Monday in November.
 Lafayette, first Tuesday after the fourth Monday in November.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

1907.

Sec. 3. This act shall take effect upon its passage and approval by the Governor.

Conflicting laws.

When act effective.

Became a law without the signature of the Governor.

CHAPTER 5646—(No. 51).

AN ACT to Amend Section 3851, General Statutes of the State of Florida, Prescribing the Number of Grand Jury.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 3851, General Statutes of the State of Florida, be and the same is hereby amended so as to read as follows:

3851. Number.—Every grand jury shall consist of not less than fifteen (15) nor more than eighteen (18) persons, the assent of at least twelve (12) of whom shall be necessary to the finding of any indictment.

Sec. 2. This act shall take effect immediately upon its approval by the Governor.

Approved April 19, 1907.

CHAPTER 5647—(No. 52).

AN ACT to Amend Section 1586 of the General Statutes of the State of Florida, Relative to the Pay of Jurors.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 1586 of the General Statutes of the State of Florida be and the same is hereby amended so as to read as follows:

1586. Pay of Jurors.—Grand Jurors and Petit Jurors of the regular panel and jurors summoned to complete a

1907.

Jurors of
regular
panel and to
complete
panel.Jurors not
accepted.In J. P.
and Inquest
Courts.

Mileage

When Judge
absent.Conflicting
laws.When effec-
tive.

jury after the regular panel is exhausted, in the Circuit Courts, Criminal Courts of Record and County Courts of this State, shall receive for each day of actual attendance upon the court two dollars (\$2.00). Jurors summoned to the courts aforesaid to complete a jury after the regular panel is exhausted and who are not accepted and not required to serve on the jury shall receive compensation at the rate of two dollars (\$2.00) per day to be fixed and allowed by the court for the time they are actually detained in attendance upon the court. Jurors in the courts of County Judges and Justices of the Peace, and jurors summoned upon inquests of the dead shall be paid one dollar (\$1.00) per day for each day they serve on the jury. In addition to the compensation above provided all jurors shall receive five (5) cents per mile for every mile necessarily traveled in going to and returning from court by the nearest practicable route.

Jurors who attend on any of the days of the term when the presiding Judge is absent, or being present does not hold the session of the court, shall be entitled to receive the same compensation as if the court were in session.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Sec. 3. That this act shall become operative upon its passage and approval by the Governor or upon its becoming a law without the Governor's approval.

Approved June 3, 1907.

CHAPTER 5648—(No. 53).

AN ACT to Amend Section 3146 of the General Statutes of the State of Florida Defining the Persons Entitled to Bring Action for Negligence, and Providing for the Survival of Such Actions.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 3146 of the General Statutes of the State of Florida be, and the same is hereby amended to read as follows:

1907.

3146. By Whom Brought and Survival.—Every such action shall be brought by and in the name of the widow or husband, as the case may be, and where there is neither widow nor husband surviving the deceased, then the minor child or children may maintain an action; and where there is neither widow nor husband, nor minor child or children, then the action may be maintained by any person or persons dependent on such person killed for a support; and where there is neither of the above classes of persons to sue, then the action may be maintained by the executor or administrator, as the case may be, of the person killed. In case of the death of any person solely entitled, or of all the persons jointly entitled to sue, before action brought or before the recovery of a final judgment in an action brought by him or them, the right of action or the action as the case may be, shall survive to the person or persons next entitled to sue under this section, and in case of the death of one or more persons jointly entitled to sue before action brought or before the recovery of a final judgment in an action brought by them, the right of action or the action, as the case may be, shall survive to the survivor of such persons so jointly entitled to sue; and in every such action the jury shall give such damages as the party or parties entitled to sue may have sustained by reason of the death of the party killed. Provided, That any person or persons to whom a right of action may survive under the provisions of this act shall recover such damages as by law such person or persons are entitled in their own right to recover, irrespective of the damages recoverable by the person or persons whom he or they may succeed.

Who to
bring action.

In case of
death of su-
ing party.

Proviso.

Sec. 2. That this act shall take effect from and after its passage and approval by the Governor.

Approved June 3, 1907.

LAWS OF FLORIDA.

CHAPTER 5649—(No. 54).

AN ACT To Amend Section 1512 of the General Statutes of Florida, Relating to the Pay of Witnesses.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1512 of the General Statutes of the State of Florida be amended so as to read as follows:

Sec. 2. 1512 (1103)—Pay of Witnesses.—Witnesses in civil cases in the Circuit Court and County Courts, and witnesses summoned before any referee, arbitrator or master in chancery, shall receive for each day's actual attendance one dollar, and also five cents per mile for actual distance traveled to and from the courts; in Courts of County Judges and Justices of the Peace, one dollar per day and the same mileage as in the Circuit Court.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Approved May 21, 1907.

CHAPTER 5650—(No. 55).

AN ACT to Prescribe and Regulate the Procedure for the Admission of Attorneys to Practice Law in the Courts of Florida.

Be it Enacted by the Legislature of the State of Florida:

All persons
without
license pre-
hibited.

Section 1. That from and after the passage of this act no one shall be authorized or permitted to practice law, as an attorney, counsellor, proctor or advocate in any of the courts of this State unless he shall have first obtained a commission or license to so practice from the Supreme Court of the State after a thorough examination by said court of the applicant for admission as to his qualifications.

1907.

Sec. 2. The Supreme Court shall, on the first three days of each of its semi-annual terms, and at such other times, examine in open court applicants for admission to the bar, granting licenses to such as are found to have the necessary qualifications and to be of upright character, and rejecting such as are not qualified.

Granting license.

Sec. 3. The Supreme Court, as soon as it can be conveniently done after the passage of this act, shall, by the adoption of a rule, prescribe a list of standard textbooks of law and equity to be studied by applicants for admission to the bar, upon which prescribed course of study such examinations shall be conducted. Such rule may also regulate the conduct of such examinations, and the percentage of correct answers for necessary admission.

Rule as to text books and examinations.

Sec. 4. All applicants for admission to the bar shall, at least ten days before the beginning of the term of the Supreme Court at which he intends to apply for admission, file with the Clerk of the Supreme Court his application addressed to such court for such admission, stating therein his age, place of residence, the length of time he has devoted to the study of law, and shall give the names of three reputable residents of the community in which he lives to whom the applicant is well known.

Application.

License.

Sec. 5. The license or commission issued to any applicant by the Supreme Court shall entitle such applicant to practice law in all the courts of this State, including such Supreme Court.

Persons already admitted.

Sec. 6. The provisions of this act shall not apply to persons heretofore already admitted to practice in any of the Circuit Courts of this State, and such persons may be admitted to practice in the Supreme Court according to the provisions of the rules on the subject heretofore in force.

Clerk's fee.

Sec. 7. The Clerk of the Supreme Court shall be entitled to receive a fee of five (\$5.00) dollars for each certificate of admission he may make.

Conflicting laws.

Sec. 8. All laws or parts of laws in conflict with or inconsistent with the provisions of this act are hereby repealed.

Approved May 27, 1907.

1907.

CHAPTER 5651—(No. 56).

AN ACT to Amend Section 4072 of the General Statutes of the State of Florida Relating to Payment of Costs in Cases Before Justices of the Peace.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 4072 of the General Statutes of the State of Florida shall be and the same is hereby amended so as to read as follows:

4072 (2843, 2844 and 2996). Prepayment may be Required.—In all cases of Justices of the Peace and County Judges in this State shall require payment in advance or security for costs of process service of the same and of examination unless the party applying for a warrant shall make an affidavit of insolvency and of substantial injury, to person or property, by him suffered, in which case process shall issue without payment of costs.

Approved June 3, 1907.

CHAPTER 5652—(No. 57).

AN ACT Requiring Teachers' Summer Training Schools and Making Appropriations Therefor.

Whereas, The value of the public school system is measured by the character of the teachers employed; and

Whereas, Teachers' Summer Training Schools are recognized as among the most potent means of improving teachers, and as being the form of normal instruction which reaches the largest number of teachers, and hence whose benefits are most widespread; and

Whereas, The donation of aid from the Peabody Fund, which in the past was so liberally granted each year by the lamented Dr. J. L. M. Curry, has been permanently withdrawn; therefore

Be it Enacted by the Legislature of the State of Florida:

Appropriation.

Section 1. That the sum of four thousand dollars for the year 1907, and four thousand dollars for the year 1908.

or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of maintaining such Teachers' Summer Training Schools, provided impartially for teachers of both races, at the location of the University of the State of Florida and the Florida Female College, for white teachers, and at the location of the Colored Normal School for colored teachers, by such instructors as the State Superintendent of Public Instruction may appoint, and at such times as he may designate.

1907.
Locations.

Sec. 2. The Comptroller is hereby authorized to draw warrants upon the requisition of the State Superintendent of Public Instruction out of any funds in the Treasury, not otherwise appropriated, for the amounts appropriated in Section 1 of this act.

Comptroller
to draw war-
rant.

Sec. 3. It shall be the duty of the State Superintendent of Public Instruction to submit a report to the next General Assembly showing the number and location of schools conducted by means of this appropriation, the number of teachers attending each by race and sex, the conductors of each school with the number of days' service rendered by each, and the amount paid each; and to submit vouchers for every dollar paid out from this fund.

Duty of Su-
perintendent.

Sec. 4. All laws in conflict with this act are hereby repealed.

Sec. 5. This act shall take effect upon its passage and approval by the Governor.

Approved May 7, 1907.

CHAPTER 5653—(No. 58).

AN ACT to Amend Section 12 of Chapter 5382, Laws of Florida, Entitled "An Act to Define the Grades of Instruction Which Shall Be Taught in the Uniform System of Public Schools of Florida; to Aid and Encourage the Establishment of Public High Schools and Rural Graded Schools; to Prescribe the Conditions and to Make Appropriations Therefor."

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 12 of Chapter 5382, Laws of Florida, entitled "an act to define the grades of instruc-

1907.

tion which shall be taught in the uniform system of public schools of Florida; to aid and encourage the establishment of public high schools and rural graded schools; to prescribe the conditions and to make appropriations therefor," be and the same is hereby amended to read as follows:

Appropriation.

Sec. 12. That sixty-five thousand dollars (\$65,000.00), or so much thereof as may be necessary, for each of the school years beginning July 1st, 1907, and July 1st, 1908, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to carry out the provisions of this act, and the Comptroller is hereby authorized to draw warrants upon the State Treasurer for such amounts upon the order of the State Board of Education.

Sec. 2. This act shall take effect July 1st, 1907.

Approved May 22, 1907.

CHAPTER 5654—(No. 59).

AN ACT To Provide for State Aid for Public Schools in this State and to Prescribe Conditions and to Make Appropriations therefor.

Be it Enacted by the Legislature of the State of Florida:

State aid.

Proviso.

Section 1. That every public school in this State maintaining an average daily attendance of eighty (80) per centum of the average monthly enrollment in such school during the regular term, as now provided for by law, shall receive aid from the State in a sum sufficient in each case to maintain such school for two (2) months, in addition to the regular term of such school; Provided, That no school now or hereafter receiving aid from the State under the provisions of Chapter 5382 of the Laws of Florida, or any enactment thereof, shall be entitled to the benefits of this act.

Sec. 2. In order to receive aid as provided in Section one (1) of this act, the County Superintendent of Public Instruction of the County in which the school, or schools,

1907.

entitled to receive the same may be located, shall, within twenty (20) days after the expiration of the regular term of such school, file with the State Board of Education a certified copy of the reports of such school, showing the average daily attendance, upon such form as may be provided by the State Board of Education. Upon receipt of such report, the State Board of Education, if satisfied that all conditions have been fully complied with, shall make requisition upon the State Comptroller for the amount due such school, under the provisions of this act.

County Supt. to file report.

Requisitions.

Sec. 3. That sixty thousand dollars (\$60,000.00) or so much thereof as may be necessary for each of the school years beginning July 1st, 1907, and July 1st, 1908, be, and the same is, hereby appropriated to carry out the provisions of this act; and the Comptroller is hereby authorized to draw warrants upon the State Treasurer for such amounts, upon the order of the State Board of Education.

Appropriation, etc.

Sec. 4. All laws and parts of laws in conflict with this act are hereby repealed.

Approved May 22, 1907.

CHAPTER 5655—(No. 60).

AN ACT To Make an Appropriation to Secure a Better Attendance Upon Teachers' Summer Training Schools.

Whereas, Chapter 5384, Laws of Florida, known as the "Buckman Bill," provides that Teachers' Summer Training Schools shall be held only at the location of the University of the State of Florida, the Florida Female College and the Colored Normal School; and,

Whereas, The traveling expenses incident to an attendance upon these schools are in many cases very large on account of the distance traveled; therefore,

Be it Enacted by the Legislature of the State of Florida:

Section 1. That in order to secure a better attendance upon Teachers' Summer Training Schools, the sum of

1907.	two thousand five hundred dollars (\$2,500.00) for the year 1907 and two thousand five hundred dollars (\$2,500.00) for the year 1908, or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to defray the traveling expenses of attendants upon these Teachers' Summer Training Schools under the conditions prescribed in Section 2 of this act, and under such further regulations as the State Board of Education may elect; Provided, That should the amounts appropriated prove insufficient for the purposes for which same are appropriated, the said amounts may be prorated.
Appropriation.	
Proviso.	
Eligibility.	<p>Sec. 2. All teachers or prospective teachers above the age of sixteen years, who will make an affidavit to the State Superintendent in writing to the effect that they intend to teach in the public schools of the State of Florida for at least one year, are eligible to receive a sum equal to the amount of the cost of railroad and steamship fare one way over the distance actually traveled to the nearest Teachers' Summer Training School from the place of their residence; Provided, Such residence is within the State of Florida. Provided, That no expenses shall be allowed teachers living in the counties where these schools are located.</p>
Transportation one way.	
Proviso.	

Sec. 3. The Comptroller is hereby authorized to draw warrants upon the requisition of the State Superintendent of Public Instruction for the amounts appropriated in Section 1 of this act.

Sec. 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 5. This act shall go into effect upon its passage and approval by the Governor.

Approved May 25, 1907.

CHAPTER 5656—(No. 61).

1907.

AN ACT To Amend Section Three Hundred and Forty-four of the General Statutes of the State of Florida, the Same being Relative to the Compensation of the Members of County School Boards.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section Three Hundred and Forty four of the General Statutes of the State of Florida be amended so as to read as follows:

"Sec. 344. Compensation of Members of County School Board.—The members of the various County School Boards shall be paid from the county school fund for their services four dollars per day, for each day's service, and ten cents per mile for every mile actually traveled in going to and from the county court house by the nearest practicable route."

Sec. 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Sec. 3. That this act shall become a law upon its passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5657—(No. 62).

AN ACT Providing State Aid Further Than the One Mill State School Tax and Prescribing the Duty of County School Boards, Its Chairman and County Treasurer, for Certain Common Schools of This State, Not Otherwise Receiving State Aid.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the sum of forty thousand dollars is hereby appropriated annually for the school years beginning July 1st, 1907, and July 1st, 1908, for the purpose of aiding and encouraging common school of this State

Appropriation.

1907.

Apportioned
by Comptroller.

which do not receive State aid under the existing laws, except the one mill State School Tax. Said sum shall be apportioned by the Comptroller to the several counties of the State on January 1st, 1908, and January 1st, 1909, upon a basis of the taxable value of all property in the counties respectively.

To be expended in
lengthening
terms.

Proviso.

Sec. 2. It shall be the duty of the School Boards or Trustees of the several counties of the State to expend the amounts received by their counties respectively under Section one of this act in lengthening the terms of the common schools throughout their counties which do not receive benefit of State aid otherwise provided, except the State one mill tax, and they shall not use said appropriations for any other purpose whatsoever; Provided, The extension of term shall not exceed one month from State Aid herein provided, and any surplus amount over and above sufficient to maintain such schools for one month shall be held and used only for equipping, repairing and furnishing such schools receiving the benefit of this act.

When available.

Affidavits
required of
Chairman of
Board.

Sec. 3. The County School Board shall use no part of this fund until the expiration of the term maintained by the county, then when warrants are issued upon said fund the Chairman of the Board shall make an affidavit stating that the warrant or warrants are issued for an extension of the term in addition to the regular term and for no other purpose except for the purposes provided for in this act. If any Chairman of the County School Board shall make a false affidavit, or use or attempt to use the funds herein provided for any purpose otherwise than that for which appropriated, he shall be removed and prosecuted for making a false affidavit. That before the County Treasurer shall pay or authorize the payment of any warrant upon the fund herein provided, which he shall hold as a special fund, he shall have the affidavit from the Chairman of the County School Board as above required, and if he pays out any amount from said fund without such affidavit, he shall be removed for such violation of the law.

Conflicting
laws.

Sec. 4. All laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Sec. 5. This act shall be of full force and effect from and after its passage and approval by the Governor.

1907.

Approved June 3, 1907.

CHAPTER 5658—(No. 63).

AN ACT to Regulate the Salaries of County Superintendents of Public Instruction.

Be It Enacted by the Legislature of the State of Florida :

Section 1. That the salaries of County Superintendents of Public Instruction be based upon the total annual receipts of each county, for school purposes, including special school district taxes, and excepting borrowed money, as follows: In counties where the receipts are less than \$14,000.00, the salary shall be not less than \$50.00 per month; in counties where the receipts are more than \$14,000.00 and less than \$20,000.00, the salary shall be not less than \$75.00 per month; in counties where the receipts are more than \$20,000.00 and less than \$40,000.00, the salary shall be not less than \$100.00 per month; in counties where the receipts are more than \$40,000.00 and less than \$70,000.00, the salary shall be not less than \$125.00 per month; in counties where the receipts are more than \$70,000.00 and less than \$100,000.00, the salary shall be not less than \$150.00 per month; in counties where the receipts are more than \$100,000.00 and less than \$120,000.00, the salary shall be not less than \$175.00 per month; in counties where the receipts are more than \$120,000.00 and less than \$200,000.00, the salary shall be not less than \$200.00 per month.

Sec. 2. This act shall go into effect on July 1st, 1907.

Approved June 3, 1907.

AN ACT Requiring the State Board of Education to Deed to the City of Lake City, Florida, for Educational Purposes, the Lands Held for and Used by the University of Florida, Formerly Located at Lake City, and Making an Appropriation of Fifteen Thousand Dollars to Pay to the City of Lake City the Amount Claimed by the Said City Under the Provisions of Chapter 5384, Laws of Florida.

Be It Enacted by the Legislature of the State of Florida:

State Board
of Education
to convey 255
acres.

Section 1. That immediately after the passage and approval of this act, the State Board of Education of this State shall convey to the City of Lake City, its successors and assigns, for educational purposes, the whole tract or tracts of land, situate, lying and being in Columbia County, Florida, which is held by the State Board of Education and was for the use of the State University of Florida, formerly located at Lake City; said conveyance to be by a good and sufficient deed of all the right, title and interest of the State of Florida, or the State Board of Education in and to 255 acres of land, more or less, in addition to the 100 acres required to be conveyed or refunded to the City of Lake City under the provisions of Chapter 5384, Laws of Florida.

Appropriation.

Sec. 2. That the sum of fifteen thousand dollars be and the same is hereby appropriated to the City of Lake City, Florida, for educational purposes, and the Comptroller is authorized and directed to draw his warrant upon the State Treasurer for said sum in favor of the Mayor and President of the City Council of the said City of Lake City, Florida, to be paid out of any funds in the State Treasury not otherwise appropriated; Provided, Upon delivery of warrant aforesaid the Comptroller shall get a receipt in full from the City of Lake City for all claims arising under the provisions of Chapter 5384, Laws of Florida; Provided, The State shall never grant aid to said Institution.

Proviso.

Sec. 3. That should any of the lands required to be deeded to the City of Lake City, under Section 1 of this

act, be sold the proceeds thereof shall be used for educational purposes.

1907.

Sec. 4. That all laws and parts of laws in conflict with this act be and the same is hereby repealed.

Sec. 5. This act shall take effect upon its approval by the Governor.

Approved May 27, 1907.

CHAPTER 5660—(No. 65).

AN ACT to Amend Section 1264, Chapter XXII. of the General Statutes of the State of Florida, Relating to Guaranteed Analysis of Fertilizers.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 1264, Chapter XXII. of the General Statutes of the State of Florida, be amended to read as follows:

Section 1264. Commercial Fertilizers to be Labeled.—Every bag, barrel, or other package of commercial Fertilizers, cotton seed meal, castor pomace, tobacco stems, tobacco dust, or tobacco meal manufactured, sold in or imported into this State, shall have securely attached a label or tag, and plainly stamped thereon the number of net pounds of fertilizer in the package, the name, brand or trade mark under which the fertilizer is sold, the name and address of the manufacturer and the chemical analysis stating the minimum percentage of ammonia and the source from which the same is derived, the minimum percentage of potash soluble in water, the minimum percentage of available phosphoric acid, and the minimum percentage of insoluble phosphoric acid, the maximum percentage of moisture contained therein, also the maximum percentage of chlorine therein, and the materials from which it is compounded, also the stamp showing the payment of the inspector's fee provided for in this act.

Stamped label requirements.

Any commercial fertilizer or cotton seed meal offered for sale by any manufacturer or importer, or by any

1907.

Deficient fertilizers subject to seizure and sale.

agent of any manufacturer or importer, found on analysis by the State Chemist to be materially deficient in the valuable ingredients guaranteed to be contained therein, ammonia, available phosphoric acid, or potash, or to be made from materials not stated on the guarantee tag, shall be subject to seizure and sale by the Sheriff on order of the Commissioner of Agriculture.

Sec. 2. That this act shall take effect upon the passage and approval by the Governor.

Approved May 23, 1907.

CHAPTER 5661—(No. 66).

AN ACT To Amend Sections Three, Thirteen and Fourteen of an Act Entitled—

An Act To provide for the Inspection and Analysis of, and To Regulate the Sale of Commercial Feeding Stuffs in this State; to Prohibit the Sale of Fraudulent or Adulterated Commercial Feeding Stuffs; to Define the term Commercial Feeding Stuffs; to Provide for Guarantees of the Ingredients of Commercial Feeding Stuffs; for the Affixing of Labels and Stamps to the Packages Thereof, as Evidence of the Guarantee and Inspection Thereof; to Provide for the Collection of an Inspection Fee from the Manufacturers of Commercial Feeding Stuffs; to Fix Penalties for the Violation of the Provisions of this Act; to Authorize the Appointment of an Additional Assistant State Chemist, an Inspector of Commercial Feeding Stuffs; to appropriate the Necessary Funds to Enforce the Provisions of this Act, and to Repeal All Laws or Parts of Laws in Conflict with this Act.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Sections Three, Thirteen and Fourteen of an Act entitled, "An Act to provide for the inspec-

tion and analysis of, and to regulate the sale of Commercial Feeding Stuffs in this State; to prohibit the sale of fraudulent or adulterated Commercial Feeding Stuffs; to define the term Commercial Feeding Stuffs; to provide for guarantees of the ingredients of Commercial Feeding Stuffs; for the affixing of labels and stamps to the packages thereof, as evidence of the guarantee and inspection thereof; to provide for the collection of an inspection fee from the manufacturers of Commercial Feeding Stuffs; to fix penalties for the violation of the provisions of this act; to authorize the appointment of an additional Assistant State Chemist, an Inspector of Commercial Feeding Stuffs; to appropriate the necessary funds to enforce the provisions of this act, and to repeal all laws or parts of laws in conflict with this act, approved May 22, 1905, shall read as follows:

Sec. 3. Every bag, barrel, or other package of Commercial Feeding Stuff manufactured, sold in or imported into this State, shall have securely attached a tag or label, and plainly printed thereon, the number of net pounds of commercial feeding stuffs in the package, the name, brand, or trademark under which the commercial feeding stuff is sold; the name and address of the manufacturer, and the guaranteed chemical analysis, stating the percentage of fat, the percentage of protein—allowing one per centum of nitrogen to equal 6.25 per centum of protein—the percentage of sugar and starch contained therein, these constituents to be determined by the methods adopted by the Association of Official Agricultural Chemists of the United States; and the ingredients from which it is compounded; also the stamp showing the payment of the inspection fee provided for in this act. The sale of mouldy and damaged feeding stuff is prohibited in this State, except on full notice in writing to the purchaser of the nature and extent of the damage. Any manufacturer, importer, jobber, agent, or seller who shall sell, offer or expose for sale or distribution in this State any commercial feeding stuff as defined in this act, without complying with the requirements of this act, or who shall sell, offer or expose for sale or distribution any commercial feeding stuff which contains substantially a smaller percentage of constituents than are certified to be contained, or who shall adulterate any feeding stuff with foreign, mineral or other similar substance or substances, such

Label and requirements of same.

Mouldy or damaged feeding stuffs.

Deficient feeding stuffs subject to seizure and sale.

1907.

Sheriffs re-
quired to
seize and sell
unlabeled
packages.

Proviso.

Subject to
penalties.

Proviso.

Money de-
rived from
sale.

Assistant
Chemist.

Inspector.

Travelling
expenses, In-
spector.

as rice hulls or chaff, peanut shells, corncobs or other similar material of little or no feeding value, or with substances injurious to the health of domestic animals, shall be guilty of a violation of the provisions of this act, and the lot of feeding stuff in question shall be subject to seizure, condemnation and sale or destruction by the Sheriffs under direction of the Commissioner of Agriculture. The Sheriffs of the counties of this State are hereby authorized, and it is hereby made their duty to seize and sell at public sale, each and every bag, barrel or package of commercial feeding stuffs manufactured, imported into, or sold in this State which shall not have securely attached, the tag or label, and stamp mentioned in this section; Provided, That should the owner show to the satisfaction of the Sheriff such tag or label or stamp had been attached and the same had become detached, the sheriff shall release the same without cost to the owner. All commercial feeding stuffs shipped in bulk to consumers shall be subject to the penalties provided for in this act, upon the attempt to evade the guaranteed analysis, and the payment of the inspection fee provided for in this act; Provided, That nothing in this act shall be construed to restrict or avoid sales of Commercial Feeding Stuff material in bulk to each other by importers, manufacturers or manipulators who mix commercial feeding stuffs for sale; or as preventing the free and unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix commercial feeding stuffs for sale. All money or proceeds derived from the seizure or sale of commercial feeding stuffs, shall be covered into the State Treasury.

Sec. 13. The Governor shall, upon the recommendation of the State Chemist, appoint an additional Assistant State Chemist who shall be a competent analytical chemist. His salary shall be fifteen hundred dollars per annum. The Governor may also when necessary, appoint an inspector of commercial feeding stuffs and commercial fertilizers. His salary shall be fifteen hundred dollars per annum, and he shall be under the immediate direction of the State Chemist. The actual traveling expenses of the inspector of the Chemical division of the Agricultural Department of the State, not to exceed seven hundred and fifty dollars per annum, shall be paid on

proper vouchers approved by the State Chemist and the Commissioner of Agriculture.

1907.

Sec. 14. The sum of three thousand seven hundred and fifty dollars per annum is hereby appropriated to carry into effect the provisions of this act, and the Comptroller is hereby authorized to issue his warrants for the payment of the same out of any funds in the Treasury derived from the sale of commercial fertilizer stamps, or commercial feed stuffs stamps. ^{Appropriation.}

Sec. 15. Be it further enacted, that this act shall take effect upon its passage and approval by the Governor.

Approved May 22, 1907.

CHAPTER 5662—(No. 67).

AN ACT to Prevent the Adulteration, Misbranding and Imitation of Foods for Man or Beast, of Beverages, Candies and Condiments, of Medicines, Drugs and Liquors, or the Manufacture and Sale Thereof in the State of Florida, Prescribing a Penalty for the Violation Hereof, Providing for the Inspection and analysis of the Articles Described by the Florida State Department of Agriculture, Charging the State's Attorney With the Enforcement Hereof, and Providing Means Therefor, Providing for the Appointment of Additional Assistant State Chemists or Expert Food Analysts, a Food and Drug Inspector, to appropriate the Necessary Funds to Enforce the Provisions of This Act, and to Repeal All Laws or Parts of Laws in Conflict With This Act.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That it shall be unlawful for any person to manufacture, sell, keep or offer for sale within the State of Florida, any article of food, drugs, medicine or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance within the mean- ^{Unlawful drugs and medicines.}

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Penalty.

ing of this act; and any of the persons who shall violate any of the provisions of this act shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be fined not to exceed one thousand dollars, or shall be sentenced to not more than one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense, and on conviction thereof, shall be fined not exceeding two thousand dollars or sentenced to not more than two years' imprisonment or both such fine and imprisonment, in the discretion of the court.

Examinations by State Chemist.**Procedure in cases where adulterations are detected.****Where cases are subjects of Interstate Commerce.****Duty of Prosecuting Attorney.**

Sec. 2. That the examination of specimens of food and drugs shall be made by the State Chemist of Florida, or under his direction and supervision, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act, and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of the act, the Commissioner of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained; any party so notified shall be given an opportunity to be heard before the Commissioner of Agriculture and the Attorney General under such rules and regulations as may be prescribed by them, and if it appears that any of the provisions of this act have been violated by such party, then the Commissioner of Agriculture shall at once certify the facts to the proper prosecuting attorney, with the copy of the results of the analysis, or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. That in case it shall appear to the satisfaction of the Commissioner of Agriculture and the Attorney General that the violation of this act is properly a subject of interstate commerce or otherwise comes under the supervision and jurisdiction of the United States, then the Commissioner of Agriculture shall certify the case to the United States District Attorney in whose district the violation may have been committed, but if it be under the jurisdiction of the courts of this State, then the Commissioner shall certify the case to the proper prosecuting attorney of the court in the county where the offense occurred. It shall be the duty of the proper prosecuting attorney to prosecute all persons violating any of the provisions of this act as soon

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as he receives the evidence transmitted by the Commissioner of Agriculture. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Notice after judgment of court.

Sec. 3. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia, or National Formulary, for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animal, whether simple, mixed or compound.

Definition of "drug."

Definition of "food."

Sec. 4. That for the purpose of this act, an article shall be deemed to be adulterated—

In case of drugs:

First. If when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation; Provided, That no drug defended in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down by the United States Pharmacopoeia or National Formulary.

When drugs considered an adulteration.

Proviso.

Second. If its strength or purity fall below the professed standard or quality under which it is sold. In the case of confectionery: If it contains terra-alba, barytes, talc, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor, or compound or narcotic drug.

When drugs considered an adulteration.

In case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

When foods are considered adulterations.

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2nd consid-
eration.

Second. If any substance has been substituted wholly or in part for the article.

3rd consider-
ation.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

4th consider-
ation.

Fourth. If it be mixed, colored or powdered, coated or stained in a manner whereby damage or inferiority is concealed.

5th consider-
ation.

Fifth. If it contains any added poisonous or other deleterious ingredient which may render such article injurious to health; Provided, That when in preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water or otherwise and directions for the removal of said preservative are printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

6th consider-
ation.

Sixth. If the package, vessel or bottle containing it shall be of such a composition, or carry any attachment made of such a composition or metal or alloy as will be acted upon in the ordinary course of use by the contents of the package, vessel or bottle in such a way as to produce an injurious deleterious or poisonous compound.

7th consider-
ation.

Seventh. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

Application
of the term
"misbrand."

Sec. 5. That the term "misbranded" as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such articles or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product, which is falsely branded, as to the State, Territory or country in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed to be misbranded—

When drugs
are "mis-
branded."

In case of drugs :

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First. If it be an imitation of, or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label in as conspicuous letters as is or may be prescribed by the United States law or rules and regulations of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaïne, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substance contained therein; Provided, That nothing in this paragraph shall be construed to apply to the filling of written prescriptions, furnished by regular licensed, practicing physicians, and kept on file by druggists as required by law, or as to such preparations as are specified and recognized by the United States Pharmacopia or National Formulary.

In case of food :

First. If it be an imitation of, or offered for sale under the distinctive sale of another article.

When foods are "mis-branded."

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation in package or label of another substance of a previously established name, or, if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or, if it fail to bear a statement on the label in conspicuous letters of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta, cannabis indica, chloral hydrate, eucaïne or acetanilide, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of package.

Fourth. If the package containing it, or its label shall bear any statement, design, or device shall be false or misleading in any particular; provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases :

Foods not considered misbranded or adulterated.

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First. In the cases of mixtures or compounds which may be now, or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged, so as to plainly indicate that they are compounds, imitations, or blends and the word "compound," "imitation," or "blend," as the case may be, is plainly stated in conspicuous letters on the package in which it is offered for sale; Provided, That the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring only; and Provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding; Provided, also, That this act shall not apply to stocks of drugs and medicines on hand in this State on September 1st, 1907, until the first day of June, 1908.

Dealer not to be prosecuted when wholesale dealer furnishes guaranty.

Sec. 6. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the State of Florida from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case the said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Wholesale dealer liable under guaranty.

Stock of dealer subject to seizure and destruction.

Sec. 7. If upon the trial of any person convicted under this act, it shall appear that any article of food, drug, or liquor, sold, kept or offered for sale by the person con-

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victed is adulterated or misbranded, or is of a poisonous or deleterious character within the meaning of this act, the same shall be seized and destroyed by order of the court in such manner as the court may in the order direct.

Sec. 8. That the words "person," or party," as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by the corporation, company, society or association, within the scope of his employment or office, shall, in every case, be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

Construction of words "person" or "party."

Acts, omission or failure of employee to apply to employer.

Sec. 9. That as soon as this act becomes effective, the Governor is authorized to appoint a food and drug inspector for the State of Florida, who shall hold office during the pleasure of the Governor, not exceeding four years, under one appointment, and who shall receive a salary not to exceed \$1,500 per annum, and actual expenses not to exceed \$750.00 per annum while discharging his duty. His whole time shall be at the disposal of the Commissioner, and his duty shall be to travel about the State as directed, and take samples of such articles as directed, and forward them to the Department of Agriculture for scientific examination and analysis. The Governor shall also appoint an additional assistant chemist to carry out the provisions of this act, the salary of such assistant chemist to be fixed by the State Chemist, not to exceed \$1,800 per annum. He may also make such expenditures for apparatus, chemicals and increased laboratory facilities as in his judgment may be required; Provided, That the total expenditures under this act for any one year shall not exceed the sum appropriated to carry out the provisions of this act; the State Chemist and his assistant shall also be inspectors of foods, drugs, medicines and liquors.

Food and Drug Inspector.

Salary and expenses.

Duty of Inspector.

Assistant Chemist.

Expenditures.

Provido.

Sec. 10. That samples for analysis shall be taken by the duly qualified and sworn inspectors, or chemists, who shall take samples of such articles as may be directed by the Commissioner of Agriculture, and in the manner

Taking samples by Inspector.

1907.

prescribed below: Whenever practicable, samples shall be taken in original unbroken packages; said packages shall be wrapped in paper and tied securely and sealed. That in cases where it is not practicable to send a sample for analysis in an original package, as for instance, in case of syrups, or other liquids in barrels, or flour in barrels, etc., the inspector shall take a fair sample of the same in the presence of the seller, place it in a suitable receptacle, securely close, seal and forward the same to the Commissioner of Agriculture, and in every case where a sample is taken the person taking such sample shall at the same time, in the presence of the person from whom the same is taken, seal with paper seals or otherwise, another like sample of the article taken, on which said sample or on the seal placed thereon, shall be written the name of the person taking said sample, and the date when the same is taken. and the said sample shall be delivered back to the person from whom it is taken.

Inspector to
have free ac-
cess.

In the execution of their duties the inspectors shall have free access at all reasonable hours into any place where it is suspected that impure foods are being manufactured, or wherein any article of food or drink, drug or medicine, adulterated with any deleterious or foreign ingredients exists, and if such access shall be refused the inspector may apply for a search warrant, which shall be obtained in the same manner as is provided by law for the obtaining of a search warrant in other cases. In calling for and making a sample of any goods, the inspector shall tender to the seller the market price asked for the same.

Inspector to
pay for sam-
ple.

State Chem-
ist and Com-
missioner of
Agriculture
to fix stand-
ards of puri-
ty.

Sec. 11. That it shall be the duty of the Commissioner of Agriculture and the State Chemist to fix standards of purity for food products where the same are not fixed by this act in accordance with those promulgated by the Secretary of Agriculture, the Secretary of the Treasury and the Secretary of Commerce and Labor of the United States when such standards have been published, and when not yet published the Commissioner of Agriculture and the State Chemist shall fix such standards; Provided, That the standards for lard, mixed edible fats and cotton-seed oils are hereby defined as follows: Lard is hereby defined to be the fat of freshly slaughtered swine. It must not be from a diseased animal or any portion of an animal unfit for food, or contain less than ninety-nine per cent of

Proviso.

Lard defined.

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pure fat. A mixed edible fat is defined to be a mixture which contains not less than ninety-nine per cent of sweet mixed fat, and may consist of a mixture of refined cottonseed oil or other edible vegetable oils with sweet beef fat or other edible animal fat, and must be sold under a registered or proprietary brand and properly labeled with a distinctive trade mark or name, bearing the name of the manufacturer. Edible cottonseed oil is hereby defined as refined cottonseed oil, free from disagreeable taste or odors. White cottonseed oil for edible purposes is cottonseed oil which has been refined in such a manner as to be nearly odorless, colorless and flavorless. Winter cottonseed oil for edible purposes are those from which a portion of the stearine has been removed. They may be either white or yellow. Whenever the State Chemist may find, by analysis that adulterated, misbranded, or imitation drugs, liquors or food products have been manufactured for sale, or put on sale in this State, he shall forthwith furnish a certificate of analysis to that effect to the Commissioner of Agriculture who shall transmit the same to the proper prosecuting officer in the county where the said adulterated, misbranded, or imitation drugs, liquor or food product was found. It shall be the duty of the said prosecuting officer to prosecute all persons violating any provisions of this act as soon as he receives the evidence transmitted by the Commissioner of Agriculture.

Mixed edible fat defined.

Cottonseed oil.

Winter cottonseed oil.

Duty of State Chemist, Commissioner of Agriculture and Prosecuting Attorney

Sec. 12. That the State Chemist shall make an annual report to the Governor on work done in execution of this act, which report may be included in that now made on commercial fertilizers and published therewith.

Report of State Chemist.

Sec. 13. That the Commissioner of Agriculture, with the advice of the Attorney General, shall have authority to establish such rules and regulations as shall not be inconsistent with the provisions of this act, and as in his judgment will best carry out the requirements thereof. He may exercise discretion as to the class of products he first subjects to rigorous inspection and analysis, realizing that the fullest and most complete execution of this law under a limited appropriation must be a matter of growth. His first efforts shall be more particularly directed to fostering the young and growing agricultural and manufacturing industries of the State, as the dairy, beef, fruit, cottonseed oil and syrup industries, by sup-

Authority to establish rules.

Discretion as to class of products.

First efforts.

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pressing adulteration in butter, cheese, milk and feed-stuffs, ciders, vinegars and syrups, lard and lard compounds.

Appropriation.

Sec. 14. Be it further enacted, That in order to enforce and carry out the provisions of this act, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside out of the fees arising from the inspection and analysis of fertilizers, and so much thereof as is necessary is made immediately available; that the proceeds arising from the fees of this office be turned into the Treasury for the use of the general fund.

When act effective.

Sec. 15. Be it enacted, That this act shall be in force and effect from and after the first day of September, 1907.

Conflicting laws.

Sec. 16. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved June 3, 1907.

CHAPTER 5663— (No. 68.)

An Act to Prohibit the Fraudulently Changing and Altering the marks of any animal.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That if any person shall fraudulently alter or change the marks of any animal, not his own, with intent to claim the same or to prevent identification by the true owner or owners thereof, the person or persons so offending shall be punished by imprisonment in the State Prison not exceeding five years.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved May 27, 1907.

CHAPTER 5664—(No. 69).

1907.

AN ACT to Amend Section 3394 of the General Statutes of the State of Florida, Relating to Damage of Stock by Phosphate Plants.

Be It Enacted by the Legislature of the State of Florida :

Section 1. That Section 3394 of the General Statutes of the State of Florida, relating to damage to stock by phosphate plants, be and the same is hereby amended so as to read as follows :

3394. Damage to Stock by Phosphate Plants.—It shall be the duty of all persons, firms or corporations owning, controlling or operating any phosphate mining plant, mill or manufactory, or mining or preparing phosphate or phosphatic rock, pebbles or earth, for market, to securely and effectually enclose with a substantial fence, all of the washings, debris, waste, clay, earth and deposits thrown out from or escaping from any such phosphate mine, mill or manufactory, where collected in quantities sufficient to bog up the stock named in this section so that cattle, sheep, hogs, horses or other animals cannot have access thereto or become bogged therein, and shall so keep the same securely fenced and enclosed as long as such persons, firm or corporation shall own, control or operate any such phosphate mining plant, mill or manufactory, and thereafter the owner of the land upon which such phosphate mining plant, mill or manufactory has been located and operated, or the lands upon which such washings, debris, clay, waste, earth and deposits have been thrown, shall continue to keep the same securely fenced and enclosed until all danger to stock of all kinds shall have ceased. Any person, firm or corporation who shall fail, neglect or refuse to comply with the provisions of this section shall be guilty of a misdemeanor punishable by fine of not less than ten dollars, nor more than one hundred dollars, and shall be held liable civilly to the owner for full value of any cattle, horses, sheep, goats, swine, or other live stock, that may be lost, killed or injured in consequence of such non-compliance.

Operators of mines or plants to fence and keep fenced all deposits, debris, etc., in which stock might bog.

Operators, etc., failing to comply, liable for damages and subject to fine.

Sec. 2. All laws or parts of laws in conflict with this act are hereby repealed.

Approved May 7, 1907.

11—G. L.

LAWS OF FLORIDA.

CHAPTER 5665—(No. 70).

AN ACT to regulate the killing and butchering of cattle.

Be it Enacted by the Legislature of the State of Florida:

Inspection
required be-
fore killing.

Section 1. That from and after the passage of this act it shall be unlawful for any person or persons, firm or corporation to kill for any purposes any bull, steer, cow, heifer, yearling or calf in the State of Florida without inspection by a regularly appointed inspector except as is provided in Section 2 of this act.

When not
unlawful.

Sec. 2. The butchering of any such animal by the owner, his or her agent, if killed in the presence of one or more disinterested reputable persons, shall not be unlawful.

Fine or pen-
alty for per-
sons violat-
ing.

Sec. 3. That any person violating the provisions of this act shall be punished by fine not less than fifty dollars or more than five hundred dollars or imprisonment in the county jail not less than sixty days or more than six months, or both such fine and imprisonment, at the discretion of the court.

Conflicting
laws.

Sec. 4. That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Sec. 5. That this act shall take effect from and after its passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5666—(No. 71).

AN ACT to amend Article 2, Sections 3111, 3113, 3122 and 3124 of the General Statutes of the State of Florida, relative to the appointment of Inspectors of Marks and Brands of Cattle and Hogs.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 3111 of the General Statutes of the State of Florida be and the same is hereby amended to read as follows:

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Sec. 3111. Appointment of Cattle Inspectors.—The County Commissioners of each county are hereby empowered, at their discretion, except in counties where a majority of the stock owners may petition for a division of the county into cattle districts, when in such cases they shall be required so to do, lay out their respective counties into districts to be known as cattle districts and each cattle district shall be entitled to two cattle inspectors, to be appointed by the Governor upon the recommendation of the County Commissioners, who shall also recommend the appointment by the Governor of one inspector at every cattle shipping pen on the railroads and every shipping port from which cattle are shipped within their respective counties, and all of said cattle inspectors shall be experts in taking and recording marks and brands of cattle, and men of known integrity, and shall not be allowed to appoint deputies.

County Commissioners empowered to lay out cattle districts and recommend to Governor for appointment two inspectors for each district and one for each shipping pen.

The term of office of said inspector shall be for four years.

Inspector's term.

Sec. 2. That Section 3113 of the General Statutes of the State of Florida be and the same is hereby amended to read as follows:

Sec. 3113. Duties of Inspectors.—It shall be the duty of each and every inspector appointed by the Governor to inspect the marks and brands of all cattle driven from or through or shipped from their respective counties or districts, when notified or cognizant of such facts, and shall keep a suitable book for that purpose, to be furnished by the County Commissioners for the purpose of inspecting and recording all marks and brands of all cattle taken by them, and description of unmarked cattle driven from, through, or shipped from their respective counties or districts, and shall set forth in the record the name or names of the person or persons driving or shipping such cattle, and the dates thereof. Each and every inspector shall be required to furnish each and every person so driving or shipping cattle from or through their respective counties or districts a certificate, which shall set forth the number of cattle so inspected, the mark or marks, and brands, and also a description of all unmarked cattle. Each and every inspector shall file a full report of his work each month with the Board of County Commissioners, to be recorded by the Clerk of the Circuit Court.

Duties of Inspectors.

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in a book kept for that purpose and the Clerk shall receive the same fees allowed in other cases provided by law for such work.

Sec. 3. That Section 3122 of the General Statutes of the State of Florida be and the same is hereby amended to read as follows:

County Commissioners to recommend for appointment inspectors of marks and brands, etc.

Sec. 3122. Inspectors in Certain Localities.—It shall be the duty of the County Commissioners of the various counties of this State to recommend to the Governor for appointment, one or more inspectors of marks and brands of the hides of beef or marks of hogs butchered in each cattle district, or in every election precinct where the county is not divided into cattle districts, where it appears to the County Commissioners to be advisable, or upon a petition of a majority of the stock men of such cattle district or election precinct.

The term of office of said inspector shall be for four years.

Sec. 4. That Section 3124 of the General Statutes of the State of Florida be and the same is hereby amended to read as follows:

County Commissioners to recommend for appointment persons to inspect hides of slaughtered beef and marks of slaughtered hogs and fix compensation of such inspector.

Sec. 3124. Certain Other Inspectors, Their Appointment, Duties and Compensation.—It shall be the further duty of the County Commissioners in any county in this State, where the provisions of this article shall be in force, upon a petition of a majority of the stock owners of any election district, where slaughtered beef or hogs are not offered for sale, but where such beef or hogs may be slaughtered for common consumption, to recommend for appointment by the Governor an inspector of the hides of such slaughtered beef and marks of such slaughtered hogs, and fix his compensation therefor; whose duty it shall be to take the marks and brands of all such slaughtered beef and the marks of all such slaughtered hogs, and it shall be the duty of any and all persons so desiring to kill such beef or hogs to notify such inspector.

The term of office of said inspector shall be for four years.

Approved May 22. 1907

AN ACT To Amend Chapter 5428 of the General Statutes of the State of Florida, the same being "an Act for the Preservation of Wild Otter, and Beaver in the State of Florida."

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Chapter 5428 of the General Statutes of the State of Florida be amended to read as follows:

That from and after the passage of this act, it shall be unlawful for any person, persons, firm, or corporation, to trap, kill, or otherwise molest any wild otter or beavers in this State, save only from the first day of November to the first day of February of any year. Hunting prohibited, except during certain season.

Sec. 2. Any person, or persons, firm or corporation, violating the provisions of this act shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment in the county jail at hard labor for not more than sixty days, nor less than thirty days, or both fine and imprisonment, at the discretion of the court. Penalty.

Sec. 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved May 22, 1907.

CHAPTER 5668—(No. 73).

AN ACT Requiring the Payment of a License Tax by All Non-Residents of this State Before They Shall Catch with any Seine, Net or Set Device any Fish in the Waters of This State or Engage in the Fish Business as Dealers and Prescribing a Penalty for Their Failure to do so.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That it shall be unlawful for any non-residents of the State of Florida to catch with any seine, net Non-residents must pay license

1907. or set device, any fish in the waters of this State, or having caught the same without the waters of this State, to bring the same for shipment or sale to some point within this State, without first paying a license tax of \$10.00 per annum.

Non-resident fish dealers to pay license tax.

Sec. 2. That it shall be unlawful for any person, firm, association or corporation who are non-residents of the State of Florida to carry on, conduct or otherwise engage in the fish business as dealers by buying and shipping fish without first paying a license tax of \$300.00 per annum.

License tax payable to Tax Collector.

Sec. 3. That the license tax provided for in the foregoing sections shall be collected by the Tax Collector of the county where said non-residents intend fishing or engaging in the fish business, and shall be issued as other licenses are now issued, and the County Judge shall receive a fee of \$.25 for each license issued, which fee shall be paid by the applicant for such license, Provided, That the holding of such license shall not entitle the holder thereof to catch any fish out of season that are now protected in season. Provided further, That no fractional license shall be issued nor any license be transferred.

Proviso.

Prima facie evidence.

Sec. 4. That when any person or persons who are such non-residents and not having a license as aforesaid are found on any of the waters of this State in boats containing seines or nets, it shall be prima-facie evidence of his or their guilt; Provided, That small cast nets for the purpose of catching bait may be used, and, in all cases of arrests and conviction under this act, the party or parties so convicted shall forfeit all seines, nets, boats and other apparatus being used by them at the time of their arrest in such violations, and the said seines, nets, boats and other apparatus shall be sold and the proceeds shall be paid into the Fine and Forfeiture Fund of the county.

Proviso.

Penalty.

Sec. 5. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not more than \$500.00 or imprisoned in the county jail at hard labor not more than six months.

Sec. 6. That all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

Approved June 3, 1907.

LAWS OF FLORIDA.

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CHAPTER 5669—(No. 74).

1907.

AN ACT to Protect Logger Head and Green Turtles on the Coasts of the State of Florida.

Be It Enacted by the Legislature of the State of Florida :

Section 1. That from and after the passage of this act it shall be unlawful for any person or persons, firm or corporation to take, kill or mutilate or in any wise destroy any logger head or green turtle while any such turtle is laying or found out of the waters or upon the beaches of the State of Florida during the months of May, June, July and August of any year.

Destruction of turtles prohibited during certain months.

Sec. 2. That any person violating the provisions of this act shall be punished by a fine not to exceed one hundred dollars, or imprisonment in the county jail not to exceed sixty days, or both such fine and imprisonment, in the discretion of the court.

Penalty.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws.

Sec. 4. That this act shall take effect from and after its passage and approval by the Governor.

Approved May 25, 1907.

CHAPTER 5670—(No. 75).

AN ACT to Provide for the Establishment of a State Arsenal and General Military Headquarters.

Whereas, There is now in the hands of the Florida State Troops military property of the United States to the value of more than one hundred and sixty thousand dollars, for which the Governor must account to the Federal Government, and for which the State is responsible; and

Whereas, This property is accepted under a contract to provide for its proper care and safekeeping; and

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Whereas, There is at present no State arsenal or other building provided for a general military headquarters; no adequate provision for storing and caring for the uniforms, arms and accoutrements provided by the general government for the equipment of the militia, the lack of which facilities for caring for and securing such stores prevents the keeping on hand of supplies in such quantities as to meet the necessities of the troops, as they arise from time to time throughout the year; rendering it impracticable to make repairs to arms and accoutrements, and thereby materially militating against the maintenance of a proper standard of efficiency and preventing an economical and advantageous administration and handling of the clothing and munitions of war which are provided by the United States; and

Whereas, The Governor in his biennial message has urged the necessity of providing a State arsenal at some central point; and

Whereas, St. Francis Barracks, at St. Augustine, Florida, has been abandoned and is no longer used as a military post by the general government; and

Whereas, The main buildings at said St. Francis Barracks are well adapted for arsenal purposes, being of stone, substantial and secure; and

Whereas, In view of the very liberal policy adopted by the general government in aiding the States in maintaining and improving the Organized Militia, it is believed that, upon proper application, the use of St. Francis Barracks could be obtained for a State arsenal; therefore

Be it Enacted by the Legislature of the State of Florida:

Authority of
Governor to
apply for ar-
senal.

Section 1. That the Governor be and he is hereby authorized to make formal application to the War Department for the use of St. Francis Barracks, at St. Augustine, as a State arsenal.

Sec. 2. That if this property is turned over to the State by the United States, to be used for the purposes herein named, the State Armory Board is hereby authorized to

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take charge of the same and provide for its care and safekeeping, and the Governor is authorized to establish there a State arsenal and general military headquarters, allotting proper accommodations for store rooms and vaults for all ordnance and ordnance stores, clothing and quartermasters' supplies, and such other classes of military stores as must necessarily be kept on hand for the proper equipment of the troops. There shall also be provided in such building or buildings, suitable apartments as offices for the administrative officers of the general staff, and suitable rooms for the bureau of records and archives established under Section 735 of the General Statutes of the State of Florida, with a trophy room in which shall be kept all relics and trophies relating to the military history of Florida and Florida soldiers, and a military library in which shall be deposited all books, histories, pamphlets and other documents or publications upon military subjects which may be received in exchange or otherwise acquired by the State.

Armory
Board and
Governor au-
thorized to
take charge,
and provide
for mainte-
nance of ar-
senal, etc.

Sec. 3. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 4. That this act shall become effective immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5671—(No. 76).

AN ACT To Amend Sections 669, 694, 727, 728 and 733 of the General Statutes of the State of Florida, Relating to the Organized Militia.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 669 of the General Statutes of the State of Florida be and the same is hereby amended so as to read as follows: Section 669, PERSONAL AND GENERAL STAFF—the Commander-in-Chief shall have a personal staff to consist of not more than ten aids-de-camp with rank of colonel, and one military secretary with rank of major; Provided, That the commissions of

Personal staff of
Commander-
in-Chief.

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the aids-de-camp and of the military secretary shall not continue in force beyond the term of office of the Governor by whom they are appointed. There shall be a general staff to consist of the several staff departments organized as follows: The adjutant general's department, to consist of an adjutant general with such rank as may be prescribed by the Constitution of the State, two assistant adjutants general, one with rank of colonel, and one with rank of lieutenant colonel; the quartermaster's department, to consist of a quartermaster general with rank of colonel, who shall also be chief of ordnance, a quartermaster with rank of major and not more than three post quartermaster sergeants; the ordnance department to consist of a chief of ordnance with rank of colonel, who shall also be quartermaster general, an ordnance officer with rank of major and not more than three ordnance sergeants; the subsistence department, to consist of a commissary general with rank of colonel, a commissary with rank of major, and not more than two post commissary sergeants; the inspector general's department, to consist of an inspector general with rank of colonel and an inspector general with rank of major; the judge advocate general's department, to consist of a judge advocate general with rank of colonel and a judge advocate with rank of major; the pay department, to consist of two paymasters, one with the rank of major and one with rank of captain; an inspector general of small arms practice with rank of colonel; an engineer officer and a signal officer, each with rank of major; the medical department, to consist of a surgeon general with rank of colonel, a surgeon with rank of lieutenant colonel, three surgeons with rank of major, not more than eight assistant surgeons with rank of captain or first lieutenant, and the hospital corps; and a general service corps to consist of not more than fifteen enlisted men, five of whom may be sergeants, for detail to duty at brigade headquarters and in the several staff departments. Enlisted men may be transferred to the various staff departments from the line, or may be enlisted under the direction of the Adjutant General. The Adjutant General shall be appointed by the Governor, and the remaining officers of the general staff shall be appointed by the Governor upon the recommendation of the Adjutant General. No person shall be ap-

General staff

Adjutant
General.Quartermas-
ter.Ordnance
department.Subsistence
department.Inspector
General.Judge Advoca-
cate General.

Pay Dept.

Engineer.

Medical Dept.

General ser-
vice corps.Transfer and
enlistment.Appoint-
ments.

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pained chief of any department of the general staff who has not held a commission in the Army or Navy of the United States, the Confederate States, or in the organized militia of this State for at least two years; Provided, That the provisions of this section shall in no way affect the commission of any officer holding commission at the time of the passage of this act.

Proviso.

Sec. 2. That Section 694 of the General Statutes of the State of Florida be and the same is hereby amended so as to read as follows: Section 694. RECEIPTS FOR PUBLIC PROPERTY AND FUNDS, BONDS—Every officer to whom public property or funds is issued shall receipt for the same, and every officer who may become either accountable or responsible for public property or funds shall give a bond, in such sum and with such surety or sureties as may be required by the Governor, for the proper expenditure of, and the care and safekeeping of all such public funds or public military property which may at any time be under his control or in his charge, and to account for the same; which bond shall be approved by the Board of County Commissioners of the county in which the officer is stationed, and shall be filed with the Adjutant General. Upon the discharge, removal, dismissal or death of an officer who has given bond for the safekeeping of public funds or property, he or his legal representative shall be released from responsibility upon filing with the Adjutant General the receipt of the officer succeeding him covering all public funds or property with which he is charged, and the certificate of such officer to the effect that the articles so transferred are, at the date of the certificate, in good order and condition reasonable use and wear thereof excepted, or when any deficiency or damage which may appear to exist has been accounted for in the manner prescribed by military regulations and is shown not to be due to any carelessness or neglect upon the part of the officer under bond; Provided, That all bonds shall remain in full force and effect until final settlement of an officer's accounts has been made, even though he may have passed out of the military service. Upon the final settlement and adjustment of an officer's money and property accounts a certificate of non-

Officers to receipt for property and give bond, etc.

In case of discharge, death, etc., of an officer.

Proviso.

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indebtedness will be issued him through the office of the Adjutant General.

Members of
Armory
Board.

Duty of
Board.

Sec. 3. That Section 727 of the General Statutes of the State of Florida be and the same is hereby amended to read as follows: **SECTION 727. ARMORY BOARD; ARMORIES; HOW OBTAINED**—(a) That there shall be appointed within the State of Florida an Armory Board, to consist of the Governor, the Adjutant General, Quartermaster General and two other persons, to be appointed by the Governor, who shall be commissioned officers of the organized militia of Florida, whose duty it shall be to consider and approve plans for all armories or other buildings to be used for military purposes before such armories or other buildings to be used for military purposes shall be either rented, purchased, or constructed by the State.

Powers of
Board.

(b) That whenever appropriation may be made by the Legislature for the purpose, the Armory Board, as appointed, is empowered to erect or provide, upon such terms as may be decided upon by such Armory Board as being most advantageous to the State, an arsenal and armories for the use of the organized militia, and in which shall be stored and safely kept all property of the United States and of the State issued for military purposes, and which armories shall be used for drill, meeting and rendezvous purposes by the organizations of the Organized Militia occupying the same.

Station commanding officer
authorized to
rent armory.

Required appointments of
armory.

Description
of building
required.

(c) The commanding officer at every station of the troops may, when authorized by the Armory Board, rent an armory for the use of the troops at his station; and if there be two or more organizations in the same city or town, they should be quartered in the same armory. Each armory must contain an assembly room of suitable proportions, individual lockers for all men to be quartered therein, and sufficient secure storing room to accommodate all public property issued for the use of the troops at that station. No armory shall be rented or accepted for use by any commanding officer until a plan or description of the building, showing dimensions and appointments, shall have been submitted to and approved by the Armory Board.

(d) The said Armory Board shall have full power to purchase ground in the various localities throughout the State, wherever the erection of an armory may be authorized; said ground, in each instance, to be purchased in the name and for the use of the State of Florida; and, upon the ground so purchased, the Armory Board is authorized to erect, for the use of the Organized Militia at that post, an armory to be used for meeting, rendezvous and drill purposes, and in which shall be stored the ordnance, quartermaster's stores and other military property issued for the use of the organizations occupying said armory. When such armory or armories are erected or provided, the said Armory Board shall have charge thereof, and arrange for their occupancy and use under the direction and responsibility of the senior line officer in command at such post.

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Power of Board to purchase grounds for erection of armories thereon.

(e) The Armory Board shall have power to receive from cities, municipalities and other sources, donations of land and contributions of money to aid in providing, improving and maintaining an arsenal, armories, camp site, target ranges, etc., throughout the State, and any property so donated shall be held as other property for the use of the State of Florida; and such cities or other municipalities are hereby authorized and empowered to make such donations and contributions for the purposes of this act.

Power of Board to receive donations.

Sec. 4. That Section 728 of the General Statutes of the State of Florida be and the same are hereby amended so as to read as follows: Section 728. ARMORY BOARD; ARMORIES, CONTROL OF—(a) The Armory Board shall also constitute a board for the general management and control of all armories when established, and shall have the power to adopt and prescribe rules for their government and management. All United States and State property must be kept therein, and the commanders of troops using the armories will be held responsible for the safekeeping and proper care of such property and its protection against misappropriation or loss. Armories, while occupied by the troops, shall be considered military posts, and be under exclusive control and jurisdiction of the officer commanding the post.

Armory Board, a board of general management.

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Board to have charge of and maintain camp sites and target ranges.

(b) The Armory Board shall also be charged with the supervision and management of any permanent camp site, target range or ranges, which are now or may hereafter become the property of the State; or which, being the property of the United States, may be turned over to the State to be used for military purposes; such board shall have the authority to provide for the maintenance and proper equipment of the same from any funds which may be available for the purpose.

Term of members of Armory Board.

(c) The term of each member of the Armory Board, other than the Governor, Adjutant General and Quartermaster General, shall be four years from the date of his appointment, and in case of a vacancy in such board, by death or otherwise, the Governor shall have to fill the same.

Board to perform duties without compensation.

(d) The members of the Armory Board shall perform the duties imposed upon them by the provisions of this act without any special compensation for their services; but their actual and necessary expenses, incident to the performance of their official duties, shall be borne by the State, and be payable from the appropriation for the expenses of the Florida State Troops.

Board to report annually.

(e) The Armory Board shall make a report annually of the proceedings incident to the location and management of armories, respectively, and also as to the management of other property entrusted to its care, with a detailed account of all disbursements; which report shall be filed in the office of the Adjutant General, and shall be printed in the annual report of his department.

Salary of Adjutant General.

Duties of the Adjutant General.

Sec. 5. That Section 733 of the General Statutes of the State of Florida be and the same are hereby amended so as to read as follows: Section 733. THE ADJUTANT GENERAL—The salary of the Adjutant General shall be two thousand five hundred (\$2,500.00) dollars a year. All orders and instructions emanating from the Commander-in-Chief, and all general regulations, shall be communicated to the troops and to the individuals in the military service through the Adjutant General, and he shall be the organ of all written communications from the Florida State Troops to the Commander-in-Chief. He shall attend the Commander-in-Chief when required in reviews of the

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Duties of the
Adjutant Gen-
eral.

Florida State Troops, or whenever ordered, in the performance of military duty, and shall obey and issue all orders in relation thereto, and to all other military matters, as the Commander-in-Chief may give. He shall cause to be prepared and issue to the different organizations of the Organized Militia all necessary books and blanks, for reports, records, returns, and general administration, and shall, at the expense of the State, cause the military laws, military code and regulations in force, to be printed, bound in proper form, and distributed, one copy to each commissioned officer, and to each Sheriff and County Clerk, to be turned over by them to their successors in office, and shall procure and shall procure and supply all necessary text books of drill and instruction. He shall prepare, attest and distribute all military commissions issued by the Governor, and shall keep a record of the same, and of all changes occurring in the commissioned force. He shall enroll the names of all enlisted soldiers, and shall keep and file in his office all enlistments and descriptive lists, official bonds, the reports and returns of troops and heads of military departments, and all other writings and papers which are required to be transmitted to and preserved at the general headquarters of the State militia.

Sec. 6. This act shall become effective as soon as approved by the Governor.

Approved June 3, 1907.

CHAPTER 5672—(No. 77).

AN ACT to Provide for the Establishment of a Permanent Camp Site for the Florida State Troops.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the State Armory Board be and it is hereby authorized to establish a permanent camp site for the Florida State Troops upon the tract of land known as Philbrofen, at Black Point, on the St. Johns river.

Power of arm-
ory board to es-
tablish camp
site.

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Right of eminent domain

Sec. 2. That to enable the State and the United States to acquire as much of this land as may be required for the purpose, the State Armory Board is hereby granted the power to exercise the right of eminent domain.

Unexhausted funds to apply to camp site.

Sec. 3. That any funds appropriated for the purpose of covering the expenses of encampments and field exercises for the Florida State Troops, and not wholly so expended, may be applied to the purpose of preparing, equipping and maintaining this camp site.

Sec. 4. This act shall become effective immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5673—(No. 78).

AN ACT Permitting Any Ex-Confederate Soldier or Sailor Who May Be Receiving, or Who May Hereafter Receive a Pension from the State of Florida or from Any Other State, on Account of His Services in the Confederate Army or Navy, To Be Admitted as an Inmate of the Home for Disabled and Indigent Ex-Confederate Soldiers or Sailors, Located in Duval County, Florida.

Be It Enacted by the Legislature of the State of Florida:

Ex-Confederate soldiers who are pensioners eligible for admittance to Soldiers' Home.

Section 1. That any ex-Confederate soldier or sailor who is now receiving, or who may hereafter receive a pension from the State of Florida, or any other State on account of services rendered in the Confederate army or navy, shall be entitled to be admitted to the Home for Disabled and Indigent Ex-Confederate Soldiers and Sailors in Duval County, Florida, and receive without pay all of the benefits of such Home, notwithstanding the fact that he is receiving such pension from the State of Florida or such other State, and he shall not be required to relinquish the pension which he may be receiving on account of the fact that he becomes an inmate of said Home.

Sec. 2. That this act shall become of full effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

1907.

When act effective.

Sec. 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved June 3, 1907.

CHAPTER 5674—(No. 79).

AN ACT to Provide for the Opening Up of Public Roads Within the State of Florida.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That where a public road is authorized by the County Commissioners of any county in this State and marked or surveyed out as provided by Section 838 of the General Statutes of the State of Florida, it shall be the duty of the Road Commissioners of the road district in which such road is located to cause the road overseer of the nearest road subdivision to forthwith have such road chopped out and opened up.

Road Commissioner to open up road

Sec. 2. That such road overseer shall summon out, in the manner provided by Section 844 of the General Statutes of this State, a sufficient number of road hands living nearest such road, liable to road duty, for the purpose of chopping out and opening up such road.

Summoning out hands.

Sec. 3. That any road overseer who shall neglect or refuse to perform his duties as provided by this act, shall forfeit and pay the sum of ten dollars, to be collected as other fines are collected.

Penalty.

Sec. 4. That any person liable to road duty, who shall fail or refuse to work or open up any public road, as provided by this act, shall be punished as is provided in Section 845 of the General Statutes of this State.

Person failing to work road.

Sec. 5. This act shall take effect from its passage and approval by the Governor.

Approved June 1, 1907.

12—G. L.

LAWS OF FLORIDA.

CHAPTER 5675—(No. 80).

AN ACT to Legalize, Validate, Ratify, Confirm and Approve All Actions of County Commissioners in Relation to Laying Out, Grading, Constructing, Repairing and Paving and Making Contracts with Relation to the Same of Paved, Macadamized or Rock Public Highways, Roads or Boulevards.

Be It Enacted by the Legislature of the State of Florida:

Acts of
County Com-
missioners
validated
and approved

Section 1. That all acts of the County Commissioners of the several counties of the State of Florida, relative to the laying out, grading, constructing, building, repairing, paving and making contracts in relation to the same, of paved, macadamized or rock public highways, roads and boulevards in the counties of the State be, and the same are hereby legalized, ratified, confirmed, validated and approved of in all respects.

Sec. 2. All laws or parts of laws in conflict with this act, be and the same are hereby repealed.

Sec. 3. This act shall go into effect immediately upon its passage and approval by the Governor.

Became a law without the approval of the Governor.

CHAPTER 5676—(No. 81).

AN ACT to amend Section 851 of the General Statutes of Florida, relating to advertisement for bids, and employment of labor on roads by County Commissioners.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 851 of the General Statutes of Florida be and the same is hereby amended so as to read as follows:

851. County Commissioners to Advertise for Bids, Employ Labor.—The County Commissioners, after they have levied the tax provided in the preceding section, shall

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proceed to advertise, for at least thirty days, for bids, for some suitable person to oversee, repair and work for one year the public roads and bridges of their respective counties, whose salary shall not exceed two dollars per day for actual service while carrying out the provisions of his overseership, requiring of the overseer or bidder a bond in favor of and payable to the County Commissioners, for the faithful performance of his duties, with approved security; and such work shall be under the immediate supervision of the County Commissioner as superintendent of roads in the district. Each County Commissioner of his respective district may employ or authorize the overseer under him to employ the necessary labor to work his respective roads, and shall not pay exceeding fifteen cents per hour to any laborer, and shall keep an itemized account of the name of each laborer, the time of, and the price to be paid each, placing a certified copy of the same with the Clerk of the Board of County Commissioners on the first Monday in each month; said overseer shall give to each laborer a certificate of his time, stating number of hours labored each day, at the end of each week, if so required, and such certificate shall become an order on the Board of County Commissioners, and shall be paid upon the report of same by the County Commissioner as road superintendent of the district where such labor is performed; Provided, That no overseer shall work with less than six (6) men unless in case of accident, the falling of a tree, the breaking of a bridge, he may be allowed to work with a less number.

County Commissioners to advertise for overseers; wages and bond of such overseer.

County Commissioner may authorize overseer in his district to employ labor and have supervision, etc., over such labor.

Provido.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved, June 3, 1907.

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CHAPTER 5677—(No. 82).

AN ACT to amend Section 850 of the General Statutes of the State of Florida, Adopted in 1906, Relating to the Working, Repairing and Maintaining the Public Roads and Bridges of the several counties of this State.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 850 of Chapter 7 of the General Statutes of the State of Florida be amended so as to read as follows:

850. Special Tax for Roads and Bridges.—In any county in this State where the Board of County Commissioners may deem it advisable and for the public good, they shall at the time for levying county taxes for county purposes, levy a special tax for public roads, bridges and river crossings, not to exceed five mills on the dollar on all real and personal property in the county subject to taxation, which tax shall be assessed and collected as other taxes of the county; and the money arising therefrom shall be paid into the county treasury as a special fund to be expended under the direction of the County Commissioners solely for the purpose of maintaining, working, repairing and keeping in good condition the public roads, bridges and river crossings of the county, and purchasing suitable tools, implements and materials, teams, wagons, camp outfits and stockades for the use and safe keeping of the convict force as may be found necessary in the proper carrying out of this work, and for the employment of such additional labor as may be deemed necessary:

Proviso.

Provided, however, that one-half of the amount realized for said special tax on property in incorporated cities and towns shall be turned over to the municipal authorities of said cities or towns to be used in the repairing, working and improving and laying out of the streets thereof as may be prescribed by the ordinances of said cities and towns; Provided, further, That each Board of County Commissioners, before levying such tax, give sixty days notice in at least one or two newspapers published in such county of their intention to levy such tax; Provided, That nothing is implied in this chapter to prevent

Proviso.

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any county in this State from working roads as the law now directs; Provided, further, That nothing contained herein shall prevent any county issuing bonds for road purposes as is or may be provided by law. Provided, further, That in any such county where the public roads are worked and repaired from the collection of taxes for such purpose, all able bodied males over the age of twenty-one years and under the age of forty-five years who have resided in such county for a period of thirty days and who are not assessed for any taxes upon either real or personal property on the tax assessment roll of such county shall be liable to labor on the public roads of such county for five days in each year in the same manner and to the same extent as though no taxes were levied and collected in such county for road purposes, or in lieu thereof shall pay to the sheriff of the county the sum of one dollar per day for each day that he shall be summoned for road duty by the road overseer. The sheriff of any such county shall be authorized to collect such money whenever any road overseer shall furnish him with a list of the name or names of such persons subject to road duty, who have been notified by him to appear for road duty. All of such moneys so collected by the Sheriff shall be paid by him into the county treasury to be credited to the special road fund. Any such person failing or refusing to work the roads when notified and also failing and refusing to pay said money in lieu thereof, shall be liable to have any personal property that he may own or be possessed of seized and sold by the Sheriff to satisfy such amount for which he is liable.

 Proviso.

 Authority of
 Sheriff to
 collect.

 Property of
 persons fail-
 ing to work,
 subject to
 seizure.

No Board of County Commissioners shall levy tax as prescribed in this chapter if a majority of the registered voters of said county by petition shall oppose said tax levy.

 Tax levy
 prohibited if
 voted
 against.

Became a law without the approval of the Governor.

AN ACT to Provide a Penalty for Any Person to Obtain or Procure Money or Other Thing of Value on a Contract to Perform Service With Intent to Defraud; and to Prescribe Rules of Evidence in Such Cases.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That from and after the passage of this act any person in the State of Florida, who shall contract with another to perform for him services of any kind with intent to procure money, or other thing of value thereby, and not to perform the service contracted for, or whoever, after having so contracted, shall obtain or procure from the hirer money or other thing of value, with intent not to perform such service, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not more than one thousand dollars or by imprisonment in the county jail not more than one year, or by both fine and imprisonment.

against.

Penalty.
Prima facie
evidence to
defraud.

Sec. 2. That satisfactory proof of the contract, the procuring thereon of money or other thing of value, the failure to perform the services so contracted for, or failure to return the money so advanced with interest thereon at the time said labor or service was to be performed, without good and sufficient cause, shall be deemed prima facie evidence of the intent referred to in the preceding section.

Sec. 3. This act shall go into effect immediately upon its passage and approval by the Governor.

Became a law without the approval of the Governor.

AN ACT to Regulate the Sale of Stocks of Goods, Wares and Merchandise in Bulk, and to Provide Certain Penalties Therefor, and for Other Purposes.

Be It Enacted by the Legislature of the State of Florida:

Section 1. It shall be the duty of every person who shall bargain for or purchase any stock of goods, wares or merchandise in bulk for cash or credit, before paying or delivering to the vendor any part of the purchase price therefor, to demand and receive from the vendor thereof, and if the vendor be a corporation, then from the managing officer or agent thereof, a written statement under oath of the names and addresses of all the creditors of said vendor, together with the amount of indebtedness due or owing by the said vendor to each of such creditors; and it shall be the duty of such vendor to furnish such statement, whether he be a wholesale or a retail merchant.

Statement of creditors required of vendor.

Sec. 2. Thereupon it shall be the duty of the purchaser, at least five (5) days before the completion of said purchase, or the payment therefor, to notify personally or by registered mail, each of said creditors of the said proposed sale, the price to be paid therefor, and the terms and conditions thereof.

Purchaser to notify creditors of sale.

Sec. 3. When any person shall purchase any stock of goods, wares or merchandise in bulk and shall pay the price or any part thereof, or execute or deliver to the vender thereof, or to his order, or to any person for his use, any promissory note, or other evidence of indebtedness, for said purchase price, or any part thereof, without having first demanded and received from said vendor the statement under oath mentioned in Section one (1) of this act, and without first giving to each of the creditors whose names have been furnished by said vendor the notice provided for in Section two (2) hereof, such sale or transfer shall, as to any and all creditors of the vendor, be presumed to be fraudulent.

When fraudulent.

Sec. 4. Any vendor of a stock of goods, wares or merchandise in bulk, who shall knowingly or wilfully make or deliver, or cause to be made or delivered, any false state-

1907.

Penalty.

ment or any statement of which any material portion is false, or shall fail to include the names of all his creditors in any such statement, as is required in Section one (1) of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months.

When fraudulent.

Proviso.

Sec. 5. Any sale or transfer of a stock of goods, wares or merchandise out of the usual or ordinary course of business or trade of the vendor, or whenever thereby substantially the entire business or trade theretofore conducted by the vendor shall be sold or conveyed, or attempted to be sold or conveyed, to one or more persons, shall be deemed a fraudulent transaction or transfer in bulk in contemplation of this act; Provided, That nothing contained in this act shall apply to sales by executors, administrators, receivers or any public officer under judicial process.

Sec. 6. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 7. This act shall take effect upon its passage and approval by the Governor.

Approved May 27, 1907.

AN ACT to Prohibit Contracts and Agreements of Cotton, Grain, Provisions and Other Commodities, Stocks, Bonds and Other Securities Upon Margin Commonly Known as Dealing in Futures, and to Provide Punishment Therefor; to Define What Shall Constitute Prima Facie Evidence of Guilt; to Compel Persons Participating in Such Transactions to Testify Concerning Their Connections Therewith; to Provide That Evidence Given by Any Such Witness Shall Not Be Used Against Him in Any Criminal Proceeding and to Exempt from the Operations of This Act Purchases and Sales of Commodities by Manufacturers or Merchants in the Ordinary Course of Business, and to Provide that Regular Commercial Exchanges and Other Bona-fide Trade Organizations May Post Market Prices, and for Other Purposes.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That from and after June 1st, 1908, it shall be unlawful for any person, association of persons or corporations, either as principal or agent, to establish, maintain or operate an office or other place of business in this State for the purpose of carrying on or engaging in the business forbidden by this act, commonly called dealing in futures or margins. Unlawful to deal in cotton futures.

Sec. 2. That every contract or agreement, whether or not in writing, whereby any person or corporation shall agree to sell and deliver, or sell with an agreement to deliver any wheat, cotton, corn, turpentine, naval stores, or other commodity, stock, bond or other security, to any other person or corporations, when in fact it is not in good faith intended by the parties that an actual delivery of the article or thing shall be made, is hereby declared to be unlawful, whether made or to be performed wholly within this State, or partly within and partly without this State, it being the intent of this act to prohibit any and all contracts or agreements for the sale and delivery of any commodity or other thing of value on margin com- Unlawful to sell when it is not intended that an actual delivery of the article shall be made, etc.

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monly called dealing in futures, when the intention or understanding of the parties is to receive or pay the difference between the agreed price and the market price at the time of settlement.

Parties en-
gaging, gull-
ty of misde-
meanor.

Sec. 3. That every person who shall become a party to any such contract or agreement as is by this act made unlawful, and every person who shall, as agent, directly or indirectly, participate in making or furthering or effectuating the same, and every agent or officer of any corporation who shall in any way knowingly aid in making or furthering any such contract or agreement, shall be deemed guilty of a misdemeanor.

Indirect par-
ty guilty of
misdemeanor

Sec. 4. That every person within this State who shall become a party to any such contract made or to be made in another State, or who shall do any act, or any way aid, within this State in the making or furthering of any such contract, shall be deemed guilty of a misdemeanor.

Witnesses
not excus-
able, etc.

Sec. 5. That no person shall be excused on any prosecution under this act from testifying touching anything done by himself, or others, contrary to the provisions of this act; but any discovery made by a witness upon such examination shall not be used against him in any penal or criminal prosecution, and he shall be altogether pardoned of the offense so done or participated in by him.

Prima facie
evidence of
guilt.

Sec. 6. That in all prosecutions under this act, proof that a defendant was a party to a contract, as agent or principal, to sell and deliver any article, thing or property, specified or named in this act, or that he was the agent, directly or indirectly, of any party in making, furthering or effectuating the same, or that he was the agent or officer of any corporation or association of persons in making, furthering or effectuating the same, and that the article, thing or property agreed to be sold and delivered, and that settlement was made, or agreed to be made, upon a difference in value of the said article, thing or property, shall constitute against defendant prima facie evidence of guilt.

Non-delivery
prima facie
evidence of
guilt.

Sec. 7. That proof that anything of value agreed to be sold and delivered was not actually delivered at the time of making the agreement to sell and deliver or that such delivery has not since said sale been made, and that

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one of the parties to such agreement deposited or secured, or agreed to deposit or secure, what are commonly called margins, shall constitute prima facie evidence of a contract declared unlawful by the terms of this act.

Sec. 8. That proof that any person, association of persons or corporation, either as principal or agent, has established an office or place where are posted or published from information received the fluctuating prices of cotton, grain, provisions, stocks, bonds or other commodity or thing of value, or either of them, shall constitute prima facie evidence of guilt. Office, prima facie evidence of guilt, etc.

Sec. 9. That this act shall not be so construed as to apply to the purchase or sale of commodities required in the ordinary course of business by any person, firm or corporation engaged in the business of manufacturing or wholesale merchandising, or in the sale of stocks, bonds or other securities, nor shall anything in this act contained be construed to prevent or to render unlawful the posting or publishing of market quotations or prices of commodities, stocks, bonds and securities by any regular organized commercial exchange, or other bona fide trade organization; Provided, That no purchase or sale for future delivery on margin shall be permitted. Act does not apply to ordinary course of business, etc. Proviso.

Sec. 10. That any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine not exceeding five hundred dollars, or be imprisoned in the county jail not exceeding six months, or both fined and imprisoned at the discretion of the court. Penalty.

Sec. 11. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved June 3, 1907.

LAWS OF FLORIDA.

CHAPTER 5681—(No. 86).

AN ACT establishing a Geological Survey for the State of Florida, to provide for the appointment of a State Geologist, to define his duties, and to provide for the maintainance of the survey.

Be it Enacted by the Legislature of the State of Florida:

Appoint
Stat Geolo-
gist.

Section 1. That the Governor of the State shall appoint a suitable person to conduct a geological survey of the State; such person shall be known as the State Geologist, and shall have his office at the Capitol.

Geologist to
appoint as-
sistants.

Section 2. The State Geologist shall appoint subject to the approval of the Governor such assistance as he may find necessary to enable him to successfully, and with reasonable dispatch, accomplish the object of the survey, and such assistance shall be entirely under the control of the State Geologist.

Duties of
State Geolo-
gist.

Sec. 3. The State Geologist shall make to the Governor annually a report of the progress of his surveys and explorations of the minerals, water supply and other natural resources of the State, and he shall include in such report full description of such surveys and explorations, occurrence and location of mineral and other deposits of value, surface and subterranean water supply and power and mineral waters, and the best and most economical methods of development, together with analysis of soils, minerals and mineral waters, with maps, charts and drawings of the same; and it shall be the duty of the State Geologist and his assistants, when they discover any mineral deposits, or other substance of value, to notify the owner of the land upon which such deposits occur. Failure of said Geologist to notify the owner of such deposit before disclosing to any other person or persons, shall subject said Geologist to a fine of one thousand dollars, and six months imprisonment.

Failure of
Geologist to
notify owner
of deposit.

Geologist to
collect speci-
mens and
deposit suits.

Sec. 4. It shall be the duty of the State Geologist to make collections of specimens illustrating the geological and mineral features of the State; one suit of which shall be deposited in the office of the State Geologist, at Tallahassee.

hassee, and duplicate suits in the libraries of each of the State Colleges; each suit to be correctly labeled for convenient use and study.

Sec. 5. That for the purpose of expeditiously and thoroughly carrying out the provisions of this act, there shall be appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of seven thousand five hundred dollars per annum. The Comptroller shall upon the requisition of the State Geologist, when approved by the Governor, draw his warrant on the Treasurer for the amount so appropriated in such sums as may be needed from time to time for the purpose of said survey as herein set forth; and for all such expenditures made under the provisions of this act, except for the payment of the salary of the State Geologist, as herein provided, the consent and approval of the Governor shall be obtained. and the vouchers for all such expenditures made from this fund shall be filed with the Comptroller; and a statement of his receipts and expenditures shall be printed in such annual report of the State Geologist. Of the amount annually appropriated there shall be expended; First, for the salary of the State Geologist, two thousand five hundred dollars per annum, which salary is hereby fixed at that sum. Second, for the contingent expenses of the survey, including compensation of all temporary and permanent assistance; traveling expenses of the geological corps; purchase of materials or other necessary expenses for outfit; expenses incurred in providing for the transportation, arrangement and proper exhibition of the geological and other collections made under the provisions of this act, for postage, stationery and printing and the printing and engraving of maps, and sections to illustrate the annual reports, five thousand dollars, or so much thereof as may be necessary.

Appropriation.

Report of Geologist.

Specific amounts of appropriation to be expended for specified purposes.

Sec. 6. All chemical, analytical or assay work shall be performed by the State Chemist and his assistants at the direction of the Governor upon request of the State Geologist.

Duty of Chemist.

Sec. 7. All laws and parts of laws inconsistent herewith are hereby repealed.

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Sec. 8. This act shall take effect upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Approved June 3, 1907.

CHAPTER 5682—(No. 87).

AN ACT to amend Section 1919 of the General Statutes of the State of Florida, relating to Destruction of Timber.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1919 of the General Statutes of the State of Florida relating to the destruction of timber, be and the same is hereby amended so as to read as follows:

1919 (1469). Against Destruction of Timber.—Courts of Chancery shall entertain suits by any person claiming to own any timbered lands, or the timber, or the right to work for turpentine purposes the timber on any lands in this State, to enjoin trespass on such lands by the cutting of trees thereon, or the removing of logs therefrom, or by boxing or scraping the said trees for the purpose of making turpentine, or by the removal of turpentine therefrom.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This act shall take effect from the date of its approval by the Governor.

Approved May 15, 1907.

AN ACT to prevent the cutting and removing or removing any timber or in any manner working for turpentine purposes any pine timber on any land in this State when there shall be any unredeemed and outstanding tax sale certificattes against any such lands and timber, and to prevent the cutting and removing or removing any timber from any lands in this State when there shall be any unredeemed and outstanding tax sale certificates against any such timber, and to prevent in any manner the working for turpentine purposes any pine timber on any lands in this State when there shall be any unredeemed and outstanding tax sale certificates against the turpentine privileges on any such lands, and to prescribe a penalty for violating the provisions of this act.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That hereafter no person shall cut and remove or remove or cause or procure to be cut and removed or removed or aid, assist or be employed in cutting and removing or removing, or in any manner working for turpentine purposes any timber on any land in this State when there shall be any unredeemed and outstanding tax sale certificates against such land, timber and turpentine privileges; and no person shall cut and remove or remove or cause or procure to be cut and removed or removed, or aid, assist or be employed in cutting and removing or removing any timber from any lands in this State when there shall be any unredeemed or outstanding tax sale certificates against any such timber or timber privileges; and no person shall in any manner work for turpentine purposes or cause or procure to be worked for turpentine purposes or aid, assist or be employed in working for turpentine purposes any pine timber or any lands in this State when there shall be any unredeemed and outstanding tax sale certificates against such timber or turpentine privileges; Provided, that this act shall not apply to the cutting of timber when the taxes on the timber shall

Cutting or removal of timber on land against which there are unredeemed or outstanding tax certificates prohibited.

Same as to timber privileges.

Same as working trees for turpentine.

Providso.

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have been paid or the turpentine privilege when the taxes on the turpentine privileges shall have been paid.

Penalty.

Sec. 2. That any person violating any of the provisions of this act shall upon conviction therefor be punished by a fine of not more than one thousand dollars or be imprisoned not exceeding one year, or by both fine and imprisonment at the discretion of the court.

Sec. 3. This act shall take effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5684—(No. 89).

AN ACT to Amend Sections 3405, 3406 and 3407, Fifth Division, Title Two, Chapter Four, Article Twelve of the General Statutes of the State of Florida, Relating to Trespass and Injury to Realty.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 3405, Fifth Division, Title Two, Chapter 4, Article Twelve of the General Statutes of the State of Florida, be and it is hereby amended to read as follows:

Unlawful to trespass on lands enclosed by water.

3405. Trespass on Enclosure.—It shall be unlawful for any person or persons, in this State, to wilfully, and with the view of trespassing, enter any enclosure of another, or enter upon any tract of land bounded or entirely surrounded by sea, gulf, bay, river, or by creeks or lakes, without permission of the owner or occupant, authorized to give such permission, being previously obtained, and every person so trespassing shall be imprisoned not to exceed ninety days or fined not exceeding fifty dollars.

Penalty.

Sec. 2. That Section 3406, Fifth Division, Title Two, Chapter Four, Article Twelve, of the General Statutes of the State of Florida, be and it is hereby amended to read as follows:

3406. Throwing Down Fences, Etc.—Every person in this State who shall wilfully lay or throw down the fence

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or bars or open a gate of another, or with evil intent, by any other means interfere with the fence of another person, thereby exposing crops or other property to waste, destruction or freedom, or shall enter upon the enclosed lands of another, or lands bounded or formed by a sea, gulf, bay, river, creek or lake, that are posted as provided in this article, without the consent of said owner or person occupying the same, authorized to give such permission to hunt or fish, shall be punished by a fine not to exceed fifty dollars, or imprisonment not to exceed three months.

Penalty for throwing down fence, etc., or entering enclosed lands of another.

Sec. 3. That Section 3407, Fifth Division, Title Two, Chapter Four, Article Twelve, of the General Statutes of the State of Florida, be and it is hereby amended to read as follows:

3407. Land Must Be Posted.—The provisions of the two preceding sections shall not apply to lands which have not been posted in at least three conspicuous places around the enclosure, where it is enclosed by a fence or lands which have not been posted in conspicuous places every eight hundred yards where the same is bounded or formed by a sea, gulf, bay, river, creeks or lakes, and when so posted as herein provided, such sea, gulf, bay, river, creeks or lakes, shall be taken and considered as an enclosure. The parties posting the notices or those present at the time of posting such notices shall be competent to prove the posting. Such notices shall be kept in position where they can be seen.

Posting lands.

Sec. 4. That this act shall take effect immediately after its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5685--(No. 90)

AN ACT to Provide a Penalty for Trespass Upon Standing Trees, the Title to Which Is in Another.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That whoever wilfully and without authority cuts, scrapes, destroys or otherwise injures any standing

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trees the title to which is in another, shall be punished as if he had stolen personal property of the same value.

Sec. 2. That this act shall take effect from and after its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5686—(No. 91).

AN ACT Prohibiting the Employment of Minors Under a Certain Age in Factories, Workshops, Bowling Alleys, Barrooms, Beer Gardens, Places of Amusement Where Intoxicating Liquors Are Sold, and in or About Any Mine or Quarry; Providing for and Fixing the Duties of Parents and Guardians With Reference to the Employment of Children Under Their Control and Fixing a Penalty for Violations of Same; Providing and Prescribing the Duties of and Restrictions Upon Persons, Firms, Corporations, Their Agents or Managers Employing Minors, and Fixing Penalties for Violation Thereof; Prescribing Certain Restrictions and Conditions Upon the Employment of Minors for Hire or Wages Under a Certain Age or Condition, and at Certain Times; Prescribing Certain Penalties for the Violation of Its Provisions, and Providing for the Enforcement of the Same.

Be It Enacted by the Legislature of the State of Florida:

No children under 12 shall be employed in certain places.

Section 1. No child under twelve years of age shall be employed at any time in any factory or work shops, bowling alley, barroom, beer garden, place of amusement where intoxicating liquors are sold, or in or about any mine or quarry.

No children under 12 shall be employed during school season.

Sec. 2. No child under twelve years of age shall be employed, required or permitted to work for wages or gain, to whomsoever payable, at any occupation at any time, except that during that portion of the year in which there is no public school in the city, town or school dis-

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trict in which such child shall be at the time living. Such child may be employed in any store, office, hotel, mercantile establishment, laundry or other reputable place of work not hereinabove forbidden; Provided, That there shall first be obtained from the County Judge of the county or Municipal Judge of the town or city in which said store, office, hotel, mercantile establishment, or place of work is located a certificate authorizing such employment. Such certificate shall be issued by said county or Municipal Judge only upon the affidavit of the parent or guardian or person exercising parental control over said child, stating its age and date of birth, that there is no free public school then in session in the district, city or town where said child lives, and a certificate from a practicing physician that he has examined said child and that said child is, in his opinion, physically able to perform, with reasonable safety to itself, the work for which it is sought to be employed. Whenever it appears that a certificate of a County or Municipal Judge as herein provided shall have been obtained by a false statement as the age of the child or other material facts, said Judge shall revoke said certificate. The Judge issuing a certificate shall receive the sum of twenty-five cents therefor, to be paid by the applicant. The certificate of the Judge, together with copies of the affidavit of parent or guardian and certificate of the physician, shall be delivered to the employer and kept by him as herein provided; Provided further, That nothing herein contained shall be construed to prevent or abridge the right of a parent or guardian to require work from his child in his own vocation and under his supervision and direction.

Certificate of Judge and physician and affidavit of parent or guardian required.

Judge may revoke certificate.

Judge's fee.

Proviso.

Sec. 3. No child under the age of twelve years shall be employed, required or permitted to work for wages or gain, to whomsoever payable, longer than nine hours in any one day, or more than six days in any one week, nor after the hour of nine o'clock at night, nor before the hour of six o'clock in the morning.

Working hours.

Sec. 4. It shall be the duty of every person, firm or corporation or the agent or manager of any person, firm or corporation, employing minors under the age of twelve years, wherein by reason of the nature of the employment, or the age of the minor, certificate and affidavits

Employer to keep records, etc.

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as herein above provided, are required to keep in the place of employment, a register or other convenient book or file for inspection containing all certificates and copies of affidavits and certificates furnished them in compliance with this act, so long as the person furnishing the same shall be in their employ; such register, book or file shall at all times be subject to the free inspection of any city, county or State officer of the county wherein said place of employment is located, or of the city or town marshal, or any member of the police force in whose territory or jurisdiction said place of employment may be located.

Duty of
Sheriff.

Sec. 5. It shall be the duty of the Sheriff in whose county such place of employment may be located, the city or town marshal or police officers within whose territory or jurisdiction such place of employment may be located, to enforce the provisions of this act, and to aid and assist in the prosecution of violations of the same before any court of competent jurisdiction; Provided, That nothing herein contained shall abridge or curtail the prosecution for violations of this act in any other way or manner consistent with the enforcement of the criminal laws of this State.

Penalty for
parent or
guardian
making false
affidavit.

Sec. 6. Any parent, guardian or person exercising the parental authority over a child, who knowingly makes a false affidavit to any material fact as herein required, or who suffers or permits a child to be employed or to work in violation of this act or before the provisions hereof to be performed by him have been complied with, shall upon conviction be fined not more than five hundred dollars, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment.

Penalty for
non-compli-
ance of em-
ployer.

Sec. 7. Any person, firm or corporation, or agent or manager of any corporation or firm, who shall violate or fail to comply with any of the provisions of this act, or shall hinder or delay any officer or his agent or deputies in the performance of their duties relative to the enforcement of this act, or refuse or hinder their access to the place of employment of such employer, or fail or refuse to keep for free inspection to such officer, or his agents or deputies, the register, book or file of certificates as herein provided, shall, upon conviction, be fined not more than one thousand dollars, or be imprisoned in the

county jail not more than six months, or by both such fine and imprisonment.

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Sec. 8. The performance of the work prohibited herein in any place of employment by a minor for one day shall constitute a violation of this act. One day's work a violation.

Sec. 9. That nothing in this act shall be so construed as to apply to household or agricultural work. Exception.

Sec. 10. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 11. This act shall take effect thirty days after its passage and approval by the Governor.

Approved May 29, 1907.

CHAPTER 5687—(No. 92).

AN ACT in relation to Banks, Bankers, Banking Firms, Banking Companies, or Associations doing business in the State of Florida; Providing for examinations thereof and providing for compensation for such examinations; requiring reports therefrom, and from Bank Receivers and Banks going into voluntary liquidation.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the Comptroller, in the supervision of banks, shall have power to employ a discreet and competent person to examine into the affairs of every bank, banker, banking firm, banking company, branch bank or association doing business in the State, except national banks, and the person so employed shall have full power to make a thorough examination into all the affairs of each and every such bank, banker, banking firm, banking company, branch bank or association at any time; and in doing so shall have access to all the books, papers, records, securities, and assets of all kinds and shall be authorized to examine any of the officers, directors, agents or employees of such bank, banker, banking firm, banking company, branch bank, or association, under oath, and

Appointment of, powers and duties of bank inspector.

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such person shall make a full and detailed report to the Comptroller of the condition of each bank, banker, banking firm, banking company, branch bank, or association so examined.

Proviso.

Provided, That no person connected with the banking business, either as an officer, director, agent or employee, shall be so employed.

Compensation and expenses of bank examiner.

Sec. 2. That the person employed under this act shall receive compensation at the rate of two thousand dollars per annum and actual traveling expenses while in discharge of his duties. The Comptroller shall audit the accounts for actual traveling expenses of such person incurred under the provisions of this act, and shall draw his warrant on the State Treasurer for the amount due for such salary and expenses in quarterly payments, and the warrants so drawn shall be paid by the State Treasurer out of any money in the State Treasury not otherwise appropriated.

Duties of a receiver when appointed to take charge.

Sec. 3. That when a receiver is appointed for a bank or banking company, he shall, within thirty days after taking charge, make out and forward to the Comptroller a full report of all of the assets and liabilities of such bank or banking company, including therein a list of the stockholders, with the number of shares owned by each; the names of the depositors with the amount to the credit or debit of each as may be shown by the books; a list of the securities, notes, real estate and personal property, and such other information as the Comptroller may request, and the receiver shall thereafter make monthly reports to the Comptroller on the first Monday in each month and a final report when the receivership is terminated by order of the court; all of said reports to contain such full and complete details as may be desired by the Comptroller.

When a bank goes into voluntary liquidation.

Sec. 4. That when a bank or banking company decides to go into voluntary liquidation, the president and cashier shall, before beginning publication of the notice now required by law, furnish the Comptroller with a full and complete detailed statement of the affairs of the bank or banking company, and shall thereafter forward to the Comptroller, on the first Monday in each month, a like detailed statement until all of the liabilities of the bank or

banking company shall have been settled in full. Provided, That if the Comptroller is not satisfied with the report of any bank or banking company intending to go into voluntary liquidation, he shall have full authority to proceed under Section 5 of this act, or otherwise as the law directs.

Proviso.

Sec. 5. When it shall appear to the Comptroller that it is necessary or advisable to do so, he shall direct the person employed under this act to make a thorough examination, reporting to him the condition of the business of the bank or banking company; and the directors shall make good any losses or irregularities to the satisfaction of the Comptroller; and if not done at once, a receiver shall be appointed.

When receiver is to be appointed.

Sec. 6. That each bank, banker, banking firm, banking company, branch bank or association doing business in the State of Florida, except national banks, shall be examined at least once in each year, and oftener if deemed necessary. Provided, That savings banks shall be examined at least twice a year, and for each examination so made each bank, banker, banking firm, banking company, branch bank or association, shall pay into the State Treasury an examination fee based upon the capital stock of each bank, as follows:

Examination once a year.

Savings banks examined twice a year.

Examination fees.

With a capital stock of twenty-five thousand dollars or less, ten dollars.

With a capital stock of over twenty-five thousand dollars, and not exceeding fifty thousand dollars, twenty dollars.

With a capital stock of fifty thousand dollars and not exceeding one hundred thousand dollars, twenty-five dollars.

With a capital stock of one hundred thousand dollars and not exceeding five hundred thousand dollars, fifty dollars.

With a capital stock of five hundred thousand dollars or more, seventy-five dollars.

That examination fees shall in all cases be paid by the bank, banker, banking firm, banking company, branch bank, or association, direct to the State Treasurer. Within thirty days after each such examination, the Comptroller shall notify the bank, banker, banking firm, banking

Examination fees to be paid by bank to State Treasurer.

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Failure of
bank to pay
fee.

company, branch bank or association so examined and the State Treasurer of the amount due in each case and if such examination fees are not paid within sixty days after such notification the State Treasurer shall so report to the Comptroller and the bank, banker, banking firm, banking company, branch bank or association so failing to pay such examination fees, shall then be deemed and held to be in default under Section No. 2727 of the General Statutes of the State of Florida.

Bank to re-
port to
Comptroller
and publish
list of assets
and liabilities.

Sec. 7. That each bank, banker, banking firm, banking company, branch bank or association doing business in this State, except national banks, shall make full and complete reports to the Comptroller in such form as he may prescribe, whenever called for by the Comptroller, and every bank, banker, banking firm, company, branch bank or corporation, shall publish in a newspaper located in the city or county where the business is located in January and July of each year, a full statement of their assets and liabilities. Every such bank, banker, banking firm, banking company, branch bank or association, which fails to transmit any report required under this section shall be subject to a penalty of one hundred dollars for each day after the periods respectively therein mentioned that it delays to make and transmit its report.

Penalty for
failure of
bank to re-
port, etc.

All sums of money collected for penalties under this section shall be paid into the Treasury of the State.

Sec. 8. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 9. That this act shall take effect immediately upon its approval by the Governor.

Approved May 29, 1907.

AN ACT to Amend Section 3558 of the General Statutes of the State of Florida, Relating to Owning U. S. License Prima Facie Evidence.

Be It Enacted by the Legislature of the State of Florida :

Section 1. That Section 3558 of the General Statutes of the State of Florida, relating to owning U. S. license prima facie evidence shall be amended so as to read as follows:

Sec. 3558. Owning U. S. License Prima Facie Evidence.—The holding, owning, having in possession or paying for a license or tax stamp issued by the internal revenue authorities of the United States, showing the payment of a tax as a dealer in spirituous, vinous, malt or other intoxicating liquors by the holder thereof to the United States Government shall be held in all the courts of this State as prima facie evidence against the holder thereof as a dealer in spirituous, vinous, malt or other intoxicating liquors, and upon proof being made by the certificate of the Collector of Internal Revenue as provided for by the acts of Congress (Chapter 3509, Acts of 1906, amending Section 3240 of the Revised Statutes of the United States), in cases where the proper prosecuting officer shall produce said certificate or certified copy, the grand jury may indict the holder of said license or tax stamp, or the proper prosecuting officer may file information against the holder of such license or tax stamp without further proof, and upon the trial of persons charged with the unlawful or illegal sale of liquors, upon information or indictment proof of the owning, holding or possession of said license or tax stamp may be made by two witnesses who have seen said license or tax stamp in the place of business of the holder thereof, or by the production of the original tax stamp or license with proof that said license or tax stamp is the property of the defendant by one or more witnesses, or by production by the prosecuting officer of the certified copy of said license, tax stamp or certificate of the Collector of Internal Revenue under the provisions of Section 3240 of the Revised Statutes of the United States as amended, and proof having been made as provided in this

Internal revenue license or tax stamp showing payment of tax as a dealer in intoxicating liquors held as prima facie evidence.

Proofs.

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section, it shall be sufficient evidence without explanation to convict.

Sec. 2. That this act shall take effect immediately upon its approval by the Governor.

Approved May 11, 1907.

CHAPTER 5689—(No. 94).

AN ACT to Punish the Sale, Gift, Barter or Exchange of Intoxicating Liquors to Any Person Addicted to the Use of Said Intoxicating Drinks, After Written Notice Has Been Given That Said Intoxicating Drinks Are Harmful to a Member or Members of the Family of Person so Addicted, or Person so Using.

Be It Enacted by the Legislature of the State of Florida:

Penalty for giving away or selling intoxicating liquor to any person addicted to its use after having been notified that such liquors work an injury to such addicted person.

Section 1. That any person who shall sell, give away, dispose of, exchange or barter any malt, spirituous or vinous liquors, including beer, ale and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever under any name, label or brand, which produces intoxication, to any person habitually addicted to the use of any or all such intoxicating liquors, after having been given written notice by wife, husband, father, mother, sister, brother, child or nearest relative that said person so addicted is an habitual drunkard and that the use of intoxicating drink or drinks is working an injury to the person using said liquors, or to the person giving said written notice; shall, upon conviction thereof, be sentenced to a term of imprisonment for not more than three months, or a fine of not more than fifty dollars for each and every such offense.

Sec. 2. That all laws in conflict with this act are hereby repealed.

Sec. 3. This act shall take effect upon its passage and approval by the Governor.

Approved June 1st, 1907.

AN ACT to Amend Section 3556 of the General Statutes of the State of Florida, Relative to the sale of Liquors in Counties or Precincts Voting Against Such Sale and to Amend Section 3448 of the General Statutes of the State of Florida Relating to Selling Liquors Without a License.

Be it Enacted by the Legislature of the State of Florida :

Section 1. That Section 3556 of the General Statutes of the State of Florida relating to the sale of liquor in counties and precincts voting against such sale be and the same is hereby amended so as to read as follows:

"Section 3556. Selling Liquor in Counties or Precincts Voting Against Such Sale.—Whoever sells or causes to be sold any spirituous, vinous or malt liquors in any county or precinct which has voted against the sale of such liquors under the provisions of Article 19 of the Constitution of the State of Florida, shall be punished by imprisonment not exceeding one year or by fine not more than one thousand dollars, and the cost and expenses of the prosecution and conviction in each case shall include the sum of fifty dollars which shall be paid to the person furnishing the testimony upon which the conviction is secured, and when such expenses and costs including the sum to be paid to the person furnishing the testimony aforesaid cannot be collected from the person or persons who may be convicted under the provisions of this act, the same shall be paid by the county in which such conviction is had, as in other cases."

Penalty for selling liquors in dry county or precincts.

\$50.00 cost to be paid to person furnishing testimony by convicted party or by county if not collected from convicted party.

Sec. 2. That Section 3448 of the General Statutes of the State of Florida, relating to selling liquor without a license, be and the same is hereby amended so as to read as follows:

"Section 3448. Selling Liquor Without a License.—Any person or persons, firm or association that shall sell or cause to be sold, or keep for sale, any spirituous, vinous, or malt liquors without first paying the license required by law, shall, upon conviction, be fined in a sum not more than one thousand dollars, or be imprisoned in the

Penalty for selling liquor without license.

1907. county jail for more than six months and the cost and expenses of the prosecution and conviction in each case shall include the sum of fifty dollars which shall be paid to the person furnishing the testimony upon which the conviction is secured, and when such expenses and costs including the sum to be paid to the person or persons furnishing the testimony aforesaid, cannot be collected from the person or persons who may be convicted under the provisions of this act, the same shall be paid by the county in which such conviction is had, as in other cases.

\$50.00 cost to be paid by convicted party to person furnishing testimony or by county if not collected from convicted party.

Authority of officers to enter buildings suspected.

Sheriffs and Deputy Sheriffs and Collectors and Deputy Collectors and any police officer of any incorporated city or town, when acting under a proper warrant, are authorized and empowered to enter any building where they have cause to suspect such liquors are kept for sale, and to seize the same and arrest the parties so engaged."

Approved June 1, 1907.

CHAPTER 5691—(No. 96).

AN ACT to Provide a Method for the Discovery of the Illicit Sale of Intoxicating Liquors, to Punish False Swearing Therein, and to Arrest the Vendor Making Such Illicit Sale.

Be It Enacted by the Legislature of the State of Florida:

Persons under influence of intoxicating liquor to be taken into custody, detained until sober, and required to disclose from whom he purchased liquor.

Section 1. Whoever in any county or precinct wherein the sale of intoxicating liquor is unlawful, or in any precinct wherein there is no licensed saloon for the sale of such liquor, shall be found in any public place in a state of intoxication or boisterous or in any way under the influence of intoxicating liquor so that he does not behave in a natural manner, shall be taken in charge by any officer having the authority to make arrests, and detained in custody until sober, and shall then be taken before the County Judge or the nearest Justice of the Peace of the place in order that he may be required to disclose from whom he purchased such intoxicating liquor.

Sec. 2. When such person is brought before the County

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Judge or Justice of the Peace, the said magistrate shall require him to testify under oath as to where, when and from whom he purchased such intoxicating liquor, and upon his refusal to testify at all, or upon his testifying in such a manner as to lead the court to believe that his testimony is evasive, or false, the magistrate, after warning without effect, shall adjudge him to be in contempt of court and shall punish such contempt by imprisonment in the county jail not exceeding twenty days or by fine not exceeding fifty dollars (\$50), or by both such fine and imprisonment.

Penalty for
refusal to
testify, etc.

Sec. 3. If upon the examination mentioned in Section 2 the person brought before the magistrate shall disclose the name of the person from whom he purchased such intoxicating liquor, and the place and date of the purchase, and testify in such a manner as to lead the magistrate to believe that the testimony is probably true, the magistrate shall then and there reduce or cause to be reduced the said testimony to writing, and have said person to sign it, and verify it by affidavit taken and certified by the said magistrate. If such person shall refuse to sign and swear to the said testimony when reduced to writing, the said magistrate shall attach his certificate under his official seal that the said testimony was taken before him under oath on the date thereof.

Testimony to
be reduced
to writing if
testimony
discloses the
name of party
from
whom liquor
was bought.

Sec. 4. If the said testimony reduced to writing shall show that any person has illegally sold intoxicating liquor in the county, the magistrate shall issue his warrant for the arrest of such person on a charge of selling intoxicating liquor where the same is prohibited by law, or if selling such intoxicating liquor without a license as the case may be, to be brought before him for proceedings as in other cases.

Magistrate
to issue war-
rant for ar-
rest if testi-
mony shows
a violation.

If the examination aforesaid be taken before a Justice of the Peace, and the sale appears to have been made outside of his Justice district, his warrant shall nevertheless run throughout the county.

J. of P's.
warrant to
run through-
out county.

Sec. 5. The person disclosing the name of the vendor shall be brought before the magistrate to testify at the preliminary hearing of the party arrested, and if his testimony does not agree in any material matter with his previous written testimony, he shall be held on a charge of perjury.

Penalty for
change of
testimony.

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Testimony
not to apply
to charge of
drunkenness.

Manner of
payment of
cost.

Sec. 6. Any testimony given under this act by the person taken in charge as provided in Section 1, shall not be used against him on a charge of drunkenness.

Sec. 7. All costs incurred under this act shall be paid as in other criminal proceedings for examination and commitment.

Sec. 8. All laws in conflict herewith are hereby repealed.

Sec. 9. This act shall take effect immediately upon its becoming a law.

Approved June 3, 1907.

CHAPTER 5692—(No. 97).

AN ACT to Amend Section 3470 of the General Statutes of the State of Florida, Relative to the Purchase of Supplies by State, County and Municipal Boards or Councils.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 3470 of the General Statutes of the State of Florida be and the same is hereby amended so as to read as follows:

Trading be-
tween board
members
prohibited.

Penalty.

Proviso.

Section 3470. Boards Not to Purchase Supplies from Members of Boards.—No State or County Board or Municipal Board or Council shall purchase supplies, goods or materials for public use from any firm or corporation in which any member of such board is either directly or indirectly interested, nor shall any such board pay for such supplies, goods or materials so purchased. Any person violating the provisions of this section shall be punished, upon conviction, by fine not exceeding five hundred dollars or imprisonment not exceeding one year; Provided, That no member of any board aforesaid who shall have recorded his vote against such illegal purchase, or who shall have been absent at the taking of the vote thereon, shall be convicted of a violation of this section.

Sec. 2. That this act shall go into effect as soon as passed and approved by the Governor.

Approved June 3, 1907.

AN ACT to Empower Boards of County Commissioners to Contract with Electric or Other Passenger Railway Companies for the Joint Construction and Maintenance of Bridges Along Public Highways, and for the Construction and Maintenance of Railway Tracks on Such Bridges, and to Validate Such Contracts Heretofore Made.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the several Boards of County Commissioners of this State are hereby authorized and empowered to make contracts with electric and other passenger railway companies for the joint construction and maintenance of bridges along the public highways, roads and streets in their respective counties, and for the construction and maintenance of railway tracks over such bridges.

Authority of County Commissioners to contract with railway companies for construction, etc., of roads and bridges.

Sec. 2. All contracts of the kind described in Section one of this act heretofore made between Boards of County Commissioners and electric and other passenger railway companies, and all actions had and taken with respect to the same by such boards in such counties are hereby ratified, confirmed and validated in all respects.

Former contracts ratified.

Sec. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 4. This act shall take effect immediately upon its approval by the Governor.

Approved May 22, 1907.

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CHAPTER 5694—(No. 99).

AN ACT to Amend an Act Entitled An Act to Authorize the County Commissioners of Any County in This State to Require and Cause the County Treasurer to Transfer to Other County Funds the Surplus Money Now in the Fine and Forfeiture Fund, or That May Hereafter Come Into That Fund from the Hire of State or County Convicts.

Be It Enacted by the Legislature of the State of Florida:

Amendment
to Chap. 5693

Section 1. That the above act be, and the same is hereby amended by the addition of the following section:

When effective.

Section 4. This act shall take effect on the thirty-first day of May, A. D. 1907.

Sec. 2. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 22, 1907.

CHAPTER 5695—(No. 100).

AN ACT to Amend Section 775 of the General Statutes of the State of Florida, the Same Being Relative to the Compensation of County Commissioners.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 775 of the General Statutes of the State of Florida be and the same is hereby amended so as to read as follows:

\$4.00 per day
and 10 cts.
per mile.

Proviso.

775. Compensation of Commissioners.—The County Commissioners shall be paid four dollars per day for each day's service, and ten cents per mile for each mile actually traveled in going to and from the courthouse: Provided, That their per diem pay shall not exceed four hundred dollars in counties of 25,000 population or over; or over two hundred dollars in counties of 15,000 population and less than 25,000 population; or over one hun-

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dred and fifty dollars in counties of less than 15,000 population; Provided further, That the per diem herein provided shall apply to services rendered for inspection of public roads or bridges or any other service authorized and approved by the Board of County Commissioners. Proviso.

Sec. 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Sec. 3. This act shall become a law upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5696—(No. 101.).

AN ACT to Require County Commissioners to keep or have kept a detailed record of the expenditures of the said Commissioners in the several Commissioners' Districts in each county of this State, and providing for the enforcement of said act.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That it shall be the duty of the Board of County Commissioners in the several counties of the State of Florida to keep or have kept a book in which shall be entered a detailed itemized statement of all the expenditures of money upon public roads, highways and bridges, or otherwise expended in their respective district. The said itemized account to be kept separate for each Commissioner's District, and said entries shall be made in said book at the regular meeting of the Commissioners in each and every month for the expenditures for the preceding month. County Commissioners required to keep record of expenditures.

Sec. 2. That the said book containing the said itemized statements shall at all times be deposited in the office of the Clerk of the Circuit Court of the counties respectively, and shall at all times be open and subject to inspection by any citizen of the county. Public record

Sec. 3. That upon the failure of any County Commissioner to keep or have kept the record as herein provided Penalty for non-compliance.

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for his Commissioner's District, it shall be considered nonfeasance in office, and upon complaint to the Governor of the State it shall be his duty to remove said Commissioner from office for said failure in his duty.

Sec. 4. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 5. That this act shall take effect ninety days after its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5697—(No. 102).

AN ACT to amend Section 270, Article 2, Chapter 1, Title 4, of the General Statutes of the State of Florida, insofar as it relates to the nomination of County Commissioners and members of the Board of Public Instruction of the different counties; Provided, That they shall be nominated by districts instead of by the county at large.

Be It Enacted by the Legislature of the State of Florida:

Sec. 1. That Section 270, Article 2, Chapter 1, Title 4, of the General Statutes of the State of Florida be amended to read as follows:

All primary
elections
regulated by
primary
election law.

270. Regulated by General Election Law.—Except as herein provided, all elections at primary elections under this article shall be regulated by the election law of the State in force at the time such primary election is held, as nearly as the same can be done; Provided, however, That County Commissioners and Members of the Board of Public Instruction shall be nominated by the several districts of a county instead of by the county at large.

Sec. 2. This act shall take effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

AN ACT to amend Section 808 of the General Statutes of the State of Florida, relating to Notice and Tax for the Erection of Certain County Buildings.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 808 of the General Statutes of the State of Florida, be and the same is hereby amended so as to read as follows:

808. (609) Notice and Tax.—Whenever any Board of County Commissioners shall deem it necessary to erect any courthouse or jail, they shall give notice for thirty days in some newspaper published in said county, or in some newspaper published in the Judicial Circuit, if there be none published in the county; that at the next regular meeting of the Board after the publication of the said notice, the question of erecting a courthouse or jail or both, will be acted upon by said Board. If, at said meeting, a majority of said Board shall determine that it is necessary to erect such building or buildings, they may levy a building tax not exceeding five mills per annum, for five consecutive years in lieu of all other county building tax. The tax so levied shall be assessed and collected at the same time and in the same manner as other State and County Taxes are levied and collected.

County Commissioners to give notice in newspaper for consideration of building courthouse or jail.

May levy a tax.

Sec. 2. All laws or parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. This act shall become effective immediately after its passage and approval by the Governor.

Approved May 21, 1907.

AN ACT to authorize the County Commissioners of any county in this State to require and cause the County Treasurer to transfer to other County Funds the surplus money now in the Fine and Forfeiture Fund, or that may hereafter come into that fund from the hire of State or county convicts.

Be it Enacted by the Legislature of the State of Florida:

Authority of
County Com-
missioners to
transfer Fine
and Forfeit-
ure Fund.

Section 1. That when it shall appear to the County Commissioners of any county at the close of any year that there is a surplus in the Fine and Forfeiture Fund over and above the claims or probable claims against the same and not needed for the purpose thereof, they shall have authority to cause to be transferred by the County Treasurer from the Fine and Forfeiture Fund such portion of the Fund as has been derived from the hire of State or county convicts to the road fund for the purpose of building good roads, or repairing the same, or for the erection and repairing of county buildings, or the county school fund, or to any other county fund, or they may cause it to be transferred to any or all such funds in the amounts they may deem best, and for the best interests of the county.

Sec. 2. The County Treasurer shall not be allowed any commission for transferring one fund to another.

Sec. 3. All laws or parts of laws in conflict with this act are hereby repealed.

Approved May 15, 1907.

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CHAPTER 5700—(No. 105).

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AN ACT making Appropriation for Traveling Expenses of the State Auditor.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That such sum or sums as may be necessary to carry out the provisions of Chapter II, Article 8 and Section 168 of the General Statutes of this State, providing for the actual traveling expenses of the State Auditor, be and the same are hereby appropriated, and the Comptroller is hereby authorized and directed to draw his warrant upon the Treasurer of the State for the same, to be paid out of any funds in the treasury not otherwise appropriated.

Appropriation to pay traveling expenses of State Auditor.

Sec. 2. This act shall take effect upon its approval by the Governor.

Approved April 27, 1907.

CHAPTER 5701—(No. 106).

AN ACT to fix the compensation of the State Auditor and the Assistant State Auditor of the State of Florida.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the compensation of the State Auditor of the State of Florida shall be two thousand five hundred (\$2,500) dollars per annum, to be paid by the State as the salaries of other State officers are paid.

Salary of State Auditor.

Sec. 2. That the compensation of the Assistant State Auditor of the State of Florida shall be two thousand five hundred (\$2,500) dollars per annum, to be paid by the State as the salaries of other State officers are paid.

Salary of Assistant State Auditor.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. That this act shall take effect from its approval by the Governor.

Approved May 27, 1907.

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CHAPTER 5702—(No. 107).

AN ACT relating to the Powers and Duties of the State Auditor.

Be it Enacted by the Legislature of the State of Florida:

Duties of
State Auditor
upon request
of Governor.

Section 1. That it shall be the duty of the State Auditor, upon the request of the Governor in writing, to investigate matters incident and pertaining to charges against county officials alleging malfeasance or misfeasance in office, or other legal or constitutional grounds of removal, to take testimony, to require the attendance of witnesses upon such hearing as is necessary in such cases, and to report his findings therein, together with the evidence so adduced, to the Governor.

State Auditor
given power
as master in
chancery.

Sec. 2. The State Auditor is hereby empowered to issue subpoenas for witnesses, to administer oaths to witnesses, and to regulate the proceedings before him in such manner and to the same effect as is prescribed by law for the proceedings held and pending before masters in chancery in the Circuit Court.

Sec. 3. This law shall become effective upon its passage and approval by the Governor.

Approved June 1, 1907.

CHAPTER 5703—(No. 108).

AN ACT to Require Certain County Officers to Make Reports to the State Auditor of this State.

Be it Enacted by the Legislature of the State of Florida:

Officers may
be required
to make
monthly
reports to
State Auditor.

Section 1. That from and after the passage of this Act Clerks of the Circuit Court, Clerks of Criminal Courts of Record, County Judges, Tax Collectors, Treasurers, Sheriffs, Justices of the Peace, Boards of County Commissioners and Boards of Public Instruction of the several counties of this State, may be required by the State Auditor to make monthly reports to him of all matters touch-

ing the financial transactions of their respective offices, on such forms as he shall prescribe.

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Sec. 2. That any county officer or board of county officers who shall refuse to make reports when required to do so by the State Auditor in compliance with the provisions of Section One of this Act, may be suspended from office by the Governor. Penalty for refusal to report.

Sec. 3. This Act shall take effect upon approval by the Governor.

Approved June 3, 1907.

CHAPTER 5704—(No. 109).

AN ACT to Assent to and Authorize the Acceptance of the Appropriation for Agricultural Experiment Stations under the Act of Congress, Approved March 16, 1906.

Whereas, By Act of Congress approved March 16, 1906, known as the "Adams Act," being an Act entitled An Act to provide for an Increased Annual Appropriation for Agricultural Experiment Stations and Regulating the Expenditure Thereof, additional appropriations were made for the more complete endowment and maintenance of agricultural experiment stations established in accordance with the Act of Congress approved March 2, 1887; and,

Whereas, Said Act requires the assent of the Legislature of the State to the purpose of the grant in said Act; and

Whereas, Said Act also provides that the Governor may assent thereto until the convening of the Legislature; and

Whereas, The Governor of this State has, in accordance with the provisions of said Act, given his assent thereto

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until the convening of this session of the Legislature;
Therefore—

Be it Enacted by the Legislature of the State of Florida:

Board of Education authorized to receive appropriations for Agricultural Experiment Station fund for Florida University.

Section 1. That the objects and purposes contained in the Act of Congress entitled "An Act to Provide for An Increased Annual Appropriation for Agricultural Experiment Stations and Regulating the Expenditure thereof," be and the same are hereby assented to, and the State Board of Education of the State of Florida is hereby authorized to accept and receive the annual appropriations for the use and benefit of the Agricultural Experiment Station Fund of the Agricultural Department of the University of the State of Florida, located at Gainesville, upon the terms and conditions contained in said Act of Congress.

Sec. 2. That this Act shall take effect upon its approval by the Governor.

Approved June 3, 1907.

CHAPTER 5705—(No. 110).

AN ACT to amend Section 4109 of the General Statutes of the State of Florida, Relating to County Convicts May be Put to Labor.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 4109 of the General Statutes of the State of Florida relating to county convicts may be put to labor, be and the same is hereby amended so as to read as follows:

County Commissioners may employ imprisoned persons under sentence.

4109. County Convicts May be Put to Labor.—The Board of County Commissioners may employ all persons imprisoned in the jails of their respective counties under sentence upon conviction for crime, or for failure to pay a fine and costs imposed upon conviction for crime, at labor upon the streets of incorporated cities or towns, or upon roads, bridges and public works in the several counties where they are so imprisoned; or the said boards may,

in their discretion, hire out such prisoners upon such terms and conditions as they may think advisable, in which case the proceeds arising from such contracts shall be paid into the county treasury. Provided, That before hiring, leasing or letting out such prisoners, the said boards shall advertise, for at least 30 days, in one or more of the county papers, their intention to lease, hire or let the said prisoners, thereby giving those who desire to bid for such prisoners an opportunity to be present either in person or by attorney, and submit their respective bids therefor.

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Commission-
ers may hire
such prison-
ers.

Proviso.

Sec. 2. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5706—(No. 111).

AN ACT to amend Sections 1195 and 1203 of the General Statutes of the State of Florida, relating to the disposition of destitute lunatics.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1195 of the General Statutes of the State of Florida be amended so as to read as follows: Destitute lunatics to be delivered to the Sheriff, and notify Supt. of Asylum, who shall send nurse for such lunatic.

Section 1195. Orders as to Destitute Lunatics.—If it shall appear that said lunatic or insane person is destitute, then the judge shall deliver such lunatic or insane person to the sheriff for safe keeping, and shall notify the superintendent of the Hospital for the Insane of the State of Florida, and said superintendent shall send a nurse or some suitable person for such lunatic or insane person, who shall transport him or her to the Hospital for the Insane of the State of Florida, and deliver him or her to the officer having charge of the same for the purpose of his or her care, custody and treatment. Proviso. That the actual expense of said nurse or other person shall be paid from the money appropriated for the maintenance of said Hospital for the Insane of the State of Florida; Proviso. Provided, however, That the judge may in his

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discretion direct the said lunatic or insane person to be delivered to any other person for his care, custody and maintenance, in which event the said lunatic or insane person shall be so delivered; and it shall be the duty of the person to whom such delivery is made to provide for his care, custody and maintenance.

Sec. 2. That Section 1203 of the General Statutes of the State of Florida be so amended to read as follows:

County Judge or Judge of Circuit Court to examine report of committee and make his decree and order accordingly.

Section 1203. Sheriff to Deliver Custody.—On receiving the report of the examining committee, the County Judge or the Judge of the Circuit Court (as the case may be) shall examine the same; and if satisfied therefrom that the person examined and reported is insane within the meaning of this act, he, the said judge, shall so adjudge and decree, and shall make his order that the sheriff of the county from which the report is submitted shall at once deliver the person so adjudged to the superintendent of the Florida Hospital for the Indigent Insane, there to be received for care, maintenance and treatment as provided for in Section One of this act; such order of commitment shall include copy of the information and report provided for in Section One of this act, and same shall be transmitted by the sheriff to the superintendent of said hospital to be filed and held as his authority for detention of said insane person; Provided, When the proceedings reported by the said committee show the alleged insanity in chronic or produced by epilepsy or senility and that the person does not require confinement or mechanical restraint to prevent self injury or violence to others, but that he or she is indigent, the County Judge or the Judge of the Circuit Court (as the case may be in such event) shall adjudge and decree that the person is incurable insane, harmless and indigent, and shall make and issue his order that the sheriff shall deliver the person so adjudged to the County Commissioners of the county where he or she resides, for care, maintenance as by law made and provided for paupers; Provided, That if any responsible person offer to assume the care, custody of any such harmless person without cost to the State or county, the judge or court may in his or its discretion so order.

What order must contain

Proviso.

Proviso.

Sec. 3. That all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall take affect immediately upon its passage and approval by the Governor.

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Approved June 3, 1907.

CHAPTER 5707—(No. 112).

AN ACT to amend Section 2020 of the General Statutes of the State of Florida, relative to cost of proceedings in eminent domain.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 2020 of the General Statutes of the State of Florida be and the same is hereby amended to read as follows:

2020. Cost of Proceedings.—All cost of proceedings shall be paid by the petitioner, including a reasonable attorney's fee for the defendant to be assessed by the jury, except the cost upon the writ of error taken by a defendant, on which the judgment of the Circuit Court shall be affirmed.

Approved May 15, 1907.

CHAPTER 5708—(No. 113).

AN ACT to prohibit the Giving of a Second or Subsequent Mortgage of Personal Property by the Mortgagor, without Notifying the Mortgagee or Mortgagees Therein of the Existence of the Prior Mortgage or Mortgages, and to fix a punishment therefor.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That whoever executes a second or subsequent mortgage of personal property and receives money or thing of value therein without first notifying the second or subsequent mortgagee of the existence of the prior mortgage or mortgages (whether the same be recorded or

Penalty for execution of a mortgage on property already mortgaged

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not), and of the amount of such prior indebtedness, shall be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. That this act shall take effect upon its passage and approval by the Governor or upon its becoming a law without such approval.

Approved June 3, 1907.

CHAPTER 5709—(No. 114).

AN ACT to amend Sections 1 and 2 of an act entitled an act relating to the Drainage and Reclamation of the Swamp and Overflowed Lands in Florida; to Create a Board of Drainage Commissioners, prescribing its Powers and Duties, Authorizing the Establishment of Drainage Districts, Establishing a Drainage System, the Building of Canals, Levees, Dikes and Reservoirs for the Purposes of Drainage, Irrigation and Commerce, the Assessment of Lands to be Drained and Benefited, the Collection of Necessary Funds by Assessment of Benefits and Taxation, Providing for the Management and Maintenance thereof and for the Exercise of the Right of Eminent Domain and for the Sale and Uses of Said Lands for the Purposes of Drainage, Reclamation and Improvement aforesaid; the same being Chapter 5377, Laws of Florida, approved May 27, 1905.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1 of Chapter 5377, Laws of Florida, approved May 27, 1905, be and is hereby amended so as to read as follows:

Section 1. The Governor, the Comptroller, the State Treasurer, the Attorney General and the Commissioner of

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Agriculture of the State of Florida, and their successors in office, are hereby constituted and designated as a Board of Drainage Commissioners, and are hereby authorized and empowered to establish a system of canals, drains, levees, dikes and reservoirs of such dimensions and depth as in the judgment of said Board of Drainage Commissioners is deemed advisable to drain and reclaim the swamp and overflowed lands within the drainage districts hereinafter designated, and to maintain such canals, drains, levees, dikes and reservoirs in such manner as will be most advantageous to the territory so drained.

Members of Board of Drainage Commissioners and their powers as such.

Sec. 2. That Section 2 of Chapter 5377, Laws of Florida, approved May 27, 1905, be and is hereby amended so as to read as follows:

Sec. 2. That a drainage district is hereby established, beginning at the intersection of township line between townships thirty-six (36) and thirty-seven (37) south and east, with the range line dividing ranges thirty-one (31) and thirty-two (32), and extending east along said township line to the intersection of the range line dividing ranges thirty-nine (39) and forty (40), and south to the intersection of township line dividing townships forty-one (41) and forty-two (42), thence east along said township line to the intersection with the range line dividing ranges forty-one (41) and forty-two (42), thence south along said range line to the intersection of the township line dividing townships fifty-one (51) and fifty-two (52), thence west along said township line to the intersection of the section line dividing sections three (3) and four (4) in township fifty-two (52), range forty-one (41) east, thence south along said section line to the waters of Biscayne Bay, thence along the coast line of said waters and the waters of the Gulf of Mexico to the point of the range line between ranges thirty-one (31) and thirty-two (32), intersecting with the coast line of the said Gulf of Mexico, thence north along said range line to the intersection of the township line between townships thirty-six (36) and thirty-seven (37), the point of beginning. A tax of five cents per acre is hereby levied annually, including the year 1907, upon all lands within such drainage district that were included in patents received by the State of Florida from the United States, under Act of Congress, approved September 28, 1850. The proceeds arising from

Establishment and designation of a drainage district.

Levy of a drainage tax to be applied within district.

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Proceeds of
tax to drain
lands in dis-
trict.

Drainage
Commission-
ers to pre-
pare list of
lands in dis-
trict and
send to Tax
Assessors;
and duties of
Assessors
and Collec-
tors.

said acreage tax shall be used and applied to the drainage and reclamation of the lands within said drainage district, described and established in this Act. The Board of Drainage Commissioners shall prepare a list or lists of such patented lands and send them to the Tax Assessors of the several counties embraced in part or in whole within such drainage districts. And the Tax Assessors of the several counties embraced in part or in whole within such drainage district shall receive such list or lists and enter the same upon the tax rolls of the county or counties within which said lands may lie, and the amount so levied by this act, and include said acreage tax in his warrant to the Tax Collector in the usual form prescribed by law, which amounts shall be collected by the said several Tax Collectors of the counties wherein such levies have been made as other taxes are collected on real estate, in accordance with law, and pay over said amounts so collected to the Board of Drainage Commissioners. Such moneys so collected shall be used exclusively for the purposes stated in this act within the said drainage district.

Sec. 3. This act shall take effect immediately upon its approval by the Governor.

Approved May 28, 1907.

CHAPTER 5710—(No. 115).

AN ACT in relation to gypsy bands and camps and to require the payment of a license tax by such troops or aggregations.

Be it Enacted by the Legislature of the State of Florida:

License tax
on fortune
tellers, horse
traders, etc.

Section 1. It shall be unlawful for any band or troop or aggregation or other traveling or wandering or nomadic people to camp, pitch their tents, stop and pursue and engage in their business of telling fortunes, trading horses, peddling, trading, or other occupation in any incorporated city or any county of this State, unless and until they shall procure an annual license from the Tax Collector of each county and pay a license tax of one hundred dollars in each county where they camp, stop or engage in their business or occupation, and shall also

procure a license from the Collector for each incorporated city or town in which they camp or engage in this business of one hundred dollars.

Sec. 2. Any person violating Section One of this act shall be punished by a fine not more than five hundred dollars, or be imprisoned in the common jail at hard labor for not more than six months, or by both such fine and imprisonment at the discretion of the court. Penalty.

Sec. 3. All laws and parts of laws in conflict with, or inconsistent with this act is hereby repealed.

Sec. 4. That this act shall take effect immediately upon its passage and approval by the Governor.

Became a law without the approval of the Governor.

CHAPTER 5711—(No. 116).

AN ACT to Provide for a Monument To Be Erected on the Battlefield of Chickamauga in Memory of the Soldiers of Florida Who Took Part in That Battle.

Whereas, Florida of all the Confederate States with troops on the field, is alone unrepresented by a monument on the field of Chickamauga; and

Whereas, It was one of the greatest and most decisive battles of the Confederate war in which the soldiers of Florida took a part and won honor for the States and themselves; therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the sum of fifteen thousand dollars be and the same is hereby appropriated for the erection of a suitable monument on the battlefield of Chickamauga in memory of the soldiers of Florida who took part in that battle. Appropriation for monuments at Chickamauga.

Sec. 2. That the Governor shall appoint a committee of five suitable persons, citizens of the State of Florida, to do and perform all that is necessary to carry out the purposes of this act. Governor to appoint committee.

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Expenses of
committee.

The appropriation herein shall be drawn upon the requisition of said committee acting through a majority thereof.

Sec. 3. That the actual necessary traveling expenses of the said committee in performing their duties under this act shall be paid out of the appropriation hereby made.

Sec. 4. This act shall go into effect as soon as approved by the Governor.

Approved May 27, 1907.

CHAPTER 5712—(No. 117).

AN ACT to Authorize Legislative Committees to Require Any Person Appearing Before Such Committees to Disclose Upon Oath What Interest Such Person or Persons Represents, Authorizing the Administration of an Oath in Such Cases, and Providing a Penalty for False Swearing in Such Cases.

Be It Enacted by the Legislature of the State of Florida:

Written oath
required of
persons ap-
pearing be-
fore Legisla-
tive Commit-
tees.

Section 1. That whenever any person or persons shall appear before any committee of the Legislature of the State of Florida for the purpose of advocating or opposing, proposing changes or amendments, or in anywise discussing a measure or matter being considered by such committee, such committee, or any member thereof, may require such person or persons to state upon oath in writing whether or not he appears in his own individual interest or in the interest of some other person or persons, firm, corporation or corporations, and if so, the name or names of such person or persons, firm, corporation or corporations, and if he has been or is to be paid a fee or any compensation, directly or indirectly, for such service, or as expenses or otherwise to so appear before such committee, and when such oath is required by a committee or any member thereof it shall be the duty of the chairman of the committee to file the written oath with the Secretary of the Senate and the Chief Clerk of the House, and said oath shall at once be spread upon the Journal of each

house for the information of the members of the Legislature.

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Sec. 2. Any person or persons who shall swear falsely as to any material fact in the oath mentioned in Section one (1) of this act shall be deemed and held guilty of false swearing and punished as provided for in Section 3472 of the General Statutes of the State of Florida.

Penalty for making false statement in oath.

Sec. 3. For the purpose of this act the chairman or any member of the committee before whom such person or persons may appear is hereby authorized to administer the oath herein provided for.

Chairman of committee authorized to take oaths.

Sec. 4. All laws or parts of laws in conflict with this act are hereby repealed.

Sec. 5. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 23, 1907.

CHAPTER 5713—(No. 118).

AN ACT to Provide Sufficient Accommodations for the Committees of the Legislature.

Be It Enacted by the Legislature of the State of Florida :

Section 1. That during any regular session of the Legislature all the rooms extending from the Senate Chamber to the staircase on the third floor of the capitol shall be exclusively reserved and appropriated to the use of the committees of the Senate, and all of the rooms extending from the hall of the House of Representatives to the staircase shall be exclusively reserved and appropriated to the use of the committees of the House of Representatives. and the Secretary of State shall have all of said rooms ready for the use of the committees prior to each regular session.

Rooms in Capitol on third floor to be reserved for Legislature.

Sec. 2. If any or all of said rooms shall be occupied by any officers or other departments of the State when any regular session aforesaid is about to be held, the Secretary

Sec. of State may provide rooms outside of Capitol.

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1907.

of State shall, if necessary, procure for them other offices outside of the capitol at the expense of the State.

Sec. 78, Gen.
Stats. re-
pealed.
Proviso.

Sec. 3. Section 78 of the General Statutes of this State so far as it relates to the assignment of committees rooms is hereby repealed; Provided, That each house of the Legislature during any special session of the Legislature shall have at least two committee rooms assigned to it.

Became a law without the approval of the Governor.

CHAPTER 5714—(No. 119).

AN ACT Directing That a Statue of Edmund Kirby Smith be Placed in the National Statuary Hall, in the Capitol of the United States, in Washington, District of Columbia, and Directing the Governor to Appoint a Commission to Take the Necessary Steps to That End.

Whereas, The Congress of the United States did by act approved July 2nd, 1864, provide as follows: "That a marble floor, similar to that of the Congressional Library or the Senate Vestibule, shall be constructed in the old hall of the House of Representatives, using such marble as may be now on hand and not otherwise required, and that suitable structures and railings shall be therein erected for the reception and erection of statuary, and the same shall be under the supervision and direction of the Commissioner of Public Buildings," and further, that, "The President is hereby authorized to invite each and all of the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown, or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration," and when so furnished the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a National Statuary Hall, for the purposes herein indicated, as appears from the statutes at large of the 38th Congress, 1863 and 1864, page 347; and

Whereas, The President of the United States did on the 3rd day of February, 1865, by F. W. Seward, Acting Secretary of State, address a circular letter to the Governors of the States requesting through them that the several States would take the matter under consideration; and

Whereas, The Legislature of the State of Florida is informed that neither of the places allotted to Florida has been filled, and the Legislature deem it meet to provide that the statue of a citizen of Florida, "illustrious for historic renown," and of "distinguished civic and military services" shall fill one of the places which remain vacant; and

Whereas, Edmund Kirby Smith was born in St. Augustine, Florida, on the 16th day of May, 1824, and was appointed to the United States Military Academy at West Point from the State of Florida, and graduated from that Academy in 1845, served with distinction in the United States service in the Mexican War, and in the Confederate service in the War between the States, in which service he attained the rank of General, and world-wide renown, and after the surrender of the Southern armies and the fall of the Southern Confederacy devoted his life to the education of Southern youth to his death on the 28th of March, 1893, first in the University of Nashville, of which University he was Chancellor, and then in the University of the South, in which University he was professor of mathematics: and

Whereas, General Edmund Kirby Smith was a citizen of the State of Florida, "illustrious for historic renown," and of "distinguished civic and military service;" therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That a statue of Edmund Kirby Smith be furnished by the State of Florida to be placed in the National Statuary Hall of the Capitol of the United States, at Washington, District of Columbia.

Statute of E.
K. Smith be
placed in
Statuary
Hall at
Washington.

Sec. 2. That the Governor be and he is hereby author-

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Governor to
appoint com-
mission to
ascertain
right kind of
statute.

Commission
to report to
Legislature.

ized and directed to appoint a commission to consist of three citizens of the State of Florida, all of whom shall be Confederate Veterans, neither of whom shall be a Federal or State official, to consider and ascertain the appropriate kind of statue to be selected and its costs.

Sec. 3. The said commission be and it is hereby instructed to report to the Legislature of 1909, the kind of statue and its costs.

Approved May 20, 1907.

CHAPTER 5715—(No. 120).

AN ACT to provide for the appointment of a Commission to locate the present resting place of the remains of Ponce de Leon, and to arrange, if feasible, for their removal to our State.

Whereas, the remains of Ponce de Leon, the discoverer of Florida, are now said to be interred in Porto Rico, and lie unmarked in any suitable or appropriate manner by the government which he served; and,

Whereas, the people of Florida desire to honor the grand old Knight of Leon, who was the first to plant the white man's banner of civilization on the Western Continent, and believe that his ashes should find a resting place in the land which he discovered; and,

Whereas, The people of St. Augustine, who annually celebrate the landing of Ponce de Leon, are desirous of providing a fit sepulcher for his remains near the site of his greatest achievement; therefore,

Be it Enacted by the Legislature of the State of Florida:

Governor to
appoint com-
mission to
locate burial
place, etc.

Section 1. That the Governor be and he is hereby authorized and directed to appoint a commission of five persons to locate the burial place in Porto Rico of Ponce de Leon, and, if feasible, to arrange for the removal of his remains to St. Augustine, the "mother city" of the State and nation.

Sec. 2. That this act shall take effect immediately upon its passage and approval by the Governor.

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Approved, June 1, 1907.

CHAPTER 5716—(No. 121).

AN ACT to prohibit the sale, barter or giving away of cigarettes or cigarette material in this State and prescribing penalties for the violation thereof.

Be it enacted by the Legislature of the State of Florida:

Section 1. That it shall hereafter be unlawful in the State of Florida for any corporation, company, firm or person to sell, barter, furnish or give away, directly or indirectly, to any minor any cigarette, cigarette wrapper or any substitute for either; or to procure for, or to persuade, advise, counsel or compel any child under said age to smoke any cigarette.

Unlawful to sell or furnish a minor with cigarettes or cigarette paper.

Sec. 2. Any such corporation, company, firm or person violating any of the provisions of this act shall, for the first offense upon a conviction thereof be fined in any sum not more than \$50.00, nor less than \$10.00; and for a second and any subsequent offense, such corporation, company, firm or person shall, upon conviction thereof, be fined in any sum not more than \$100.00 nor less than \$10.00, and to which may be added imprisonment in the county jail for any period not exceeding sixty days.

Penalty for violation.

Sec. 3. It is hereby made the duty of sheriffs, constables, their deputies or any police officer to enforce the provisions of this act, and he may summon any minor who may have or have had in his possession any cigarettes or cigarette material, and compel him to testify before the county judge or any justice of the peace as to where and of whom he obtained such cigarettes or cigarette material.

Sheriffs, etc., to enforce the law and compel minors to testify.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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Sec. 5. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 22, 1907.

CHAPTER 5717—(No. 122).

AN ACT to Prescribe the Terms and Conditions Upon Which Foreign Corporations for Profit May Transact Business, or Acquire, Hold or Dispose of Property in This State.

Be It Enacted by the Legislature of the State of Florida:

Foreign corporations required to file charter before doing business.

Section 1. That no foreign corporation shall transact business or acquire, hold or dispose of property in this State until it shall have filed in the office of the Secretary of State a duly authenticated copy of its charter or articles of incorporation, and shall have received from him a permit to transact business in this State.

Secretary of State may issue permit to corporation after fee is paid.

Sec. 2. Upon the filing of such copy, the Secretary of State shall, if the objects of the corporation are such as are not prohibited by the laws of this State, issue a permit allowing such corporation to transact business in this State, but he shall not deliver such permit to the corporation until he shall have received from it for the use of the State a sum equal to that which the said corporation would have been required to pay as a charter fee if it had been incorporated under the laws of this State. The fee of the Secretary of State for issuing the permit shall be five dollars.

In case where corporation amends charter after permit is issued.

Sec. 3. If the charter or articles of incorporation of any foreign corporation shall be amended after a permit has been issued to it under the provisions of this act, such corporation shall, within thirty days thereafter, file a duly authenticated copy of the amendment in the office of the Secretary of State, who shall issue to the corporation a certificate of the filing; but if the amendment is one increasing the capital stock, he shall not deliver the certificate until he shall have received from the corporation for the use of the State a sum equal to that which such

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corporation would have been required to pay if it had been a corporation increasing its capital stock under the laws of this State. If any such corporation shall fail to file any amendment and to make the payment aforesaid within the said thirty days, its permit shall be deemed to be revoked until the provisions of this section shall be complied with. The fee of the Secretary of State for granting the certificate shall be two dollars.

Sec. 4. Every contract made by or on behalf of any foreign corporation affecting its liability or relating to property within the State before it shall have complied with the provisions of this act shall be void on its behalf and on behalf of its assigns, but shall be enforceable against it or them.

Contracts made with corporations before permit issues deemed void, etc.

Sec. 5. This act shall be deemed to apply to foreign building and loan associations, foreign insurance companies, foreign surety companies, and all other foreign corporations which now are or hereafter may be required to obtain other certificates of authority to transact business in this State, and to impose an additional requirement upon them, as well as to all other foreign corporations except those which are excepted by its terms from the operation of this act.

Act applies to all foreign corporations required to obtain authority in this State, etc.

Sec. 6. This act shall not apply to any foreign corporation whatever transacting business in this State at the time this act shall take effect; Provided, That any such foreign corporation hereafter increasing its capital stock shall comply with the provisions of Section 3 in relation thereto.

Act does not apply to corporations already doing business, etc.

Sec. 7. A foreign corporation is defined to be a corporation incorporated by or under the laws of any other State or Territory or of any other country.

"Foreign corporation" defined.

Sec. 8. Any foreign corporation which shall violate the provisions of Sections 1 or 3 shall, upon conviction, be fined not more than one thousand dollars for the first offense, and not more than five thousand dollars for each subsequent offense, and any officer or agent of any foreign corporation who shall violate the provisions of Sections 1 or 3, shall, upon conviction, be punished by a fine of not more than two thousand dollars or by imprisonment not

Penalties for violations.

1907. exceeding six months, or by both such fine and imprisonment.

Sec. 9. This act shall take effect immediately upon becoming a law.

Approved June 1st, 1907.

CHAPTER 5718—(No. 123).

AN ACT to Validate and Confirm all Letters Patent Heretofore Issued by the Governor and Secretary of State purporting to create corporations for the purpose or with the power of carrying on two or more separate and distinct businesses.

Whereas, A question has arisen as to whether, prior to the law of 1901, corporations could be formed under the general incorporation laws of the State of Florida, for the purpose or with the power of carrying on two or more separate and distinct businesses; and

Whereas, A number of such Letters Patent have been so issued, and large amounts of money have been invested in this State by the supposed corporations resulting therefrom, and it is right and proper that all such doubts should be set at rest;

Now Therefore,

Be it Enacted by the Legislature of the State of Florida:

Letters patent of corporations doing two or more businesses validated.

Section 1. All Letters Patent heretofore issued by the Governor and Secretary of State of the State of Florida, under the general incorporation laws of this State, with the intent of creating corporations for the purpose or with the power of carrying on two or more separate and distinct businesses of any lawful character, are hereby validated and confirmed in all respects, such validation and confirmation to date in each case from the time of the issuance of said Letters Patent.

Sec. 2. All laws or parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. This act shall take effect immediately upon its passage and approval by the Governor.

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Approved May 27, 1907.

CHAPTER 5719—(No. 124).

AN ACT Prohibiting the Disturbance of Religious and Other Lawful Assemblies and Providing Prosecution and Punishment Therefor.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Whoever wilfully interrupts or disturbs any school, or any assembly of people, met for the worship of God, or for any lawful purpose, shall be punished by fine not exceeding fifty dollars (\$50.00), or imprisonment in the county jail not exceeding (60) days.

Penalty for disturbing worshipping assemblies, etc.

Sec. 2. The several grand juries of this State in their respective counties may return indictments, or the several State Attorneys of this State in their respective circuits may file informations against all persons violating Section One (1) of this act.

Grand juries may return indictments; State Attys file informations.

Sec. 3. Such indictments or informations, when filed with the Clerk of the Circuit Court in the county where such offense is alleged to have been committed, shall be forthwith certified by him to some court in the county having jurisdiction to try and determine such charge, and said court to which such indictment or information is certified shall proceed to try and determine such charge upon such indictment or information, the same as if affidavit had been made before such court charging the said offense.

Treatment of such indictments and informations, etc.

Sec. 4. This act shall go into effect from and after its passage and approval by the Governor.

Approved June 3, 1907.

AN ACT to amend Section 3570 of the General Statutes of the State of Florida, relating to vagrants.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 3570 of the General Statutes of the State of Florida shall be and the same is hereby amended so as to read as follows:

Classes of persons considered vagrants and upon conviction subject to penalty provided in Sec. 3571 of the General Statutes.

3570 (2642). Commitment.—Rogues and vagabonds, idle or dissolute persons who go about begging, common gamblers, persons who use juggling, or unlawful games or plays, common pipers and fiddlers, common drunkards, common night walkers, thieves, pilferers, traders in stolen property, lewd, wanton and lascivious persons, keepers of gambling places, common railers and brawlers, persons who neglect their calling or employment, or are without reasonably continuous employment or regular income and who have not sufficient property to sustain them, and mispend what they earn without providing for themselves or the support of their families, persons wandering or strolling around from place to place without any lawful purpose or object, habitual loafers, idle and disorderly persons, persons neglecting all lawful business and habitually spending their time by frequenting houses of ill fame, gaming houses or tippling shops, persons able to work but habitually living upon the earnings of their wives or minor children, and all able bodied male persons over the age of eighteen years who are without means of support and remain in idleness, shall be deemed vagrants, and upon conviction shall be subject to the penalty provided in Section 3571.

Approved June 3, 1907.

AN ACT Relating to the Florida State Reform School at Marianna, and Appropriating Money Therefor.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the officers of the Florida State Reform School at Marianna shall consist of a superintendent and such other officers, including a physician for the treatment of inmates of the Institution, as the Commissioners thereof shall designate and elect. The said Commissioners shall select as superintendent of said Institution some person of acknowledged ability and who has had training and experience in the care, control, management, instruction and reformation of juvenile offenders. The salaries of all officers and employees of said Institution and the length of their terms of office and employment shall be fixed by the said Commissioners.

Officers of Reform School, as Commissioners may elect Supt. to be experienced.

Terms of office and salaries to be fixed by Commission.

Sec. 2. That the sum of ten thousand dollars per annum, or so much thereof as is necessary, is hereby appropriated for the purpose of defraying the expenses that may be incurred by the said Commissioners in the conduct and maintenance of said Institution. Said amount shall be payable in equal quarterly installments upon the requisition of the President and Secretary of the said Commissioners upon the Comptroller, who shall issue his warrant therefor.

-widerday
tion for conduct and maintenance

Sec. 3. The sum of five thousand dollars, or so much thereof as is necessary, is hereby appropriated for the purpose of furnishing, repairing and erecting buildings; for the purchase of metal water tank and metal tower, and such improvements as are necessary for the equipment of said Institution.

Appropriation for furnishing, repairing and erecting, etc.

Sec. 4. That the sum of three thousand dollars is hereby appropriated and made available to pay the deficiency under the appropriation of the Legislature for the years of 1905 and 1906, the same being the present indebtedness of the said Institution.

Appropriation to pay deficiency under 1905 and 1906.

Sec. 5. Said amounts provided for in Sections three and four shall be payable upon the requisition of the

When payable.

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President and Secretary of said Commissioners upon the Comptroller, who shall issue his warrant therefor.

Appropriations payable from Convict Fund.

Sec. 6. That all appropriations made by this act are payable from funds derived from the hire of State convicts.

Repeal.

Sec. 7. That Section 4171 of the General Statutes of the State of Florida be and the same is hereby repealed.

Conflicting laws.

Sec. 8. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved May 27, 1907.

CHAPTER 5722—(No. 127).

AN ACT Authorizing the State Treasurer to return to Certain Insurance Companies Money Deposited With Him in Compliance With Chapter 5222, Acts of 1903, Laws of Florida, and Prescribing the Terms and Conditions Upon Which Such Returns Can Be Made, and Prescribing Punishment for Making False Affidavit Respecting the Condition of Companies and Corporations Applying for Such Return.

Be It Enacted by the Legislature of the State of Florida:

State Treasurer to refund securities deposited by insurance companies under Chap. 5222, Acts of 1903.

Section 1. That whereas, Section 1, Chapter 5222, Acts 1903, Laws of Florida, required insurance companies or corporations organized under the Laws of Florida and doing the class of business provided in said Chapter, to deposit 10 per cent of its capital stock with the State Treasurer, in cash, United States or State bonds or other marketable bonds or securities, which shall remain on deposit as long as the company or corporation is licensed to do business in the State; and whereas, Such aforesaid act was repealed by Chapter 5459, Acts of 1905, Laws of Florida, and no provision has at any time been made for the return of such deposits; therefore, all persons, companies or corporations doing a sick and funeral benefit insurance business which are qualified to do business in the State of Florida, and which deposited such 10 per cent of its capital stock with the State Treasurer in accord-

ance with the provisions of Chapter 5222, Acts of 1903, Laws of Florida, and which have qualified to do business in the State of Florida under the provisions of Chapter 5459, Acts of 1905, Laws of Florida, or which have ceased to do business in the State of Florida, shall be entitled to a return of such deposit of cash, United States or State bonds or other marketable stocks or securities; and it shall be the duty of the State Treasurer to refund the same upon application duly made therefor; Provided always, Proviso. That the State Treasurer shall first ascertain that such company or corporation so making application is now qualified in accordance with the provisions of Chapter 5459, Acts 1905, Laws of Florida, and acts amendatory thereto, or if such company has ceased to do business in the State of Florida, the State Treasurer shall require some officer or agent of such person, company or corporation to make and file with him an affidavit stating that such company or corporation has no outstanding policies, debts or liabilities in the State of Florida.

Sec. 2. Any officer or agent of such company or corporation making affidavit who shall swear falsely therein as to such facts shall be punished by imprisonment not exceeding one year or by fine not exceeding one thousand dollars.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. This act shall take effect immediately upon its approval by the Governor.

Approved June 3, 1907.

LAWS OF FLORIDA.

CHAPTER 5723—(No. 128).

AN ACT providing for the appeal of the case of Jackson Lumber Company vs. Charles Turner, Tax Collector of Walton County, Florida, *et al.*, and making an appropriation to defray the expenses of such appeal.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general revenue fund for the purpose of paying the actual expenses of the Attorney General in appealing to the court of last resort the case of Jackson Lumber Company vs. Charles Turner, Tax Collector of Walton County, Florida, *et al.*, recently decided by Judge Charles Swayne, Judge of the United States Circuit Court for the Northern District of Florida, and for the purpose of paying all the incidental expenses of such appeal.

Sec. 2. That this act shall take effect immediately upon its approval by the Governor.

Approved June 3, 1907.

CHAPTER 5724—(No. 129).

AN ACT to Exempt the Property of Young Men's Christian Associations from Taxation.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That all property of Young Men's Christian Associations within this State, which shall be actually occupied and used by them for the purposes only for which they have been or may be organized, shall be exempted from taxation.

Property of
Y. M. C. A.
exempt from
taxation.

Sec. 2. That this act shall be into effect immediately upon its becoming a law.

Approved May 21, 1907.

AN ACT Relating to the Assessment and Collection of Taxes Upon Land and Turpentine and Timber Rights Thereon.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The Tax Assessor shall ascertain by personal inspection, where not already sufficiently acquainted therewith, the value of the lands including the timber thereon when the improvements or timber belong to the owner of the land, and assess the same as lands at their full cash value in the name of the owner, occupant or as unknown and set down in the assessment roll following and opposite the description of the lands the name of the owner, occupant or unknown, and when the land has not been returned for assessment on or before the first day of April of each year, by the owner or legal representative of the owner, if the owner or agent be unknown, the Assessor shall enter the word "unknown" in the column of the assessment roll provided for the name of the owners, or his or her legal representative. The assessment book as provided by the Comptroller shall contain an alphabetical index in which the Assessor shall be required to indicate the name and the postoffice address, if it can be ascertained, of each person whose name appears upon the assessment roll, and shall indicate opposite such name, as indexed, the page upon which any tax or taxes may be found to be assessed.

Tax Assessor shall ascertain by personal inspection the value of lands where not already acquainted therewith.

When lands have not been returned before April 1st.

Assessment book shall contain index.

In case any lands shall be timbered, and the timber or the right to turpentine the timber shall belong to a person other than the owner of the land, and the owner of the land shall disclose to the Assessor the owner or owners of such timber or turpentine rights, the Assessor shall assess the value of the land independent and distinct from the value of the timber and the turpentine rights or privileges, and shall assess the value of such timber and of such turpentine rights or privileges separately and distinct from the said land and from each other, assessing the value of the land and of the timber and of the turpentine rights or privileges to the owners respectively thereof. If the Assessor cannot ascertain the name of the owner of such rights he may assess them as unknown. And in order that this provision shall be effective

Value of land and turpentine rights to be assessed separately where the land is owned by one party and the right to turpentine the timber thereon is owned by another, etc.

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Owners to furnish Assessor description of land and value of turpentine or timber rights, etc.

it is further provided that the owner or owners of the land, and also the lessees, owner or owners of the turpentine or timber rights, shall annually furnish the Assessor with a description of the lands on which such turpentine or timber rights exist, and the value of the same, and of the timber or turpentine rights, and the lease of said turpentine or timber rights shall be assessed as personal property.

When lands or timber or turpentine rights are sold for non-payment of taxes.

When the timber or turpentine rights are sold for non-payment of taxes due thereon, the title of the owner of the timber or turpentine rights shall pass to the purchaser at the tax sale, subject to redemption by the owner within six months by paying the amount of the taxes and costs, with interest, at the rate of twenty-five per cent per annum, and if at any time after six months after the sale of the timber or turpentine rights for non-payment of taxes due thereon, the former owner thereof, or his agents or servants, shall take or use any of such timber or turpentine they shall each be guilty of a misdemeanor, and upon conviction shall pay a fine of not less than fifty (\$50.00) dollars or be imprisoned not more than six months.

penalty.

Sec. 2. This act shall take effect upon its passage and approval by the Governor.

Became a law without the approval of the Governor.

CHAPTER 5726—(No. 131).

AN ACT for the Relief of J. J. Fitzgerald, S. K. Gillis and Daniel Campbell, as Trustees.

Whereas, Prior to the year 1905 the State Normal School was maintained at DeFuniak Springs, Florida, for the training of white teachers only, certain citizens of said DeFuniak Springs, Florida, having donated property, fixtures and apparatus to said institution with a view that the said school would be permanent, and that by the passage of the Buckman bill the said institution was abolished; and

Whereas, In the year 1906 certain citizens of DeFuniak Springs, Florida, bought the State Normal School prop-

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erty from the State Board of Education in order to organize and maintain a school for higher education, which they have planned to open in September, 1907; and

Whereas, Said citizens paid the sum of thirty-four hundred dollars (\$3,400.00) for the said State Normal School property at DeFuniak Springs, Florida, a large part of the land on which said property is located, as well as other property, having been originally donated to the State by citizens of DeFuniak Springs, Florida, to be used for educational purposes; and

Whereas, J. J. Fitzgerald, S. K. Gillis and Daniel Campbell now hold the title to said property as trustees under an agreement with the State Board of Education that this property will be used for educational purposes, as specified in the acceptance by the State Board of Education of the proposition made by the citizens to purchase said property; and

Whereas, The said property is to be used for the education of whites only and will be of great benefit to the State of Florida at large; and

Whereas, The money asked in this bill for relief will be reimbursing the citizens for amounts expended on said property, they understanding that the State Normal School would become permanent; Therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the sum of thirty-four hundred dollars (\$3,400.00) be, and the same is hereby, appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid to the said J. J. Fitzgerald, S. K. Gillis and Daniel Campbell, trustees, to reimburse them for the money paid for said property, and this appropriation is made on condition that the said trustees and their successors or assigns shall never again ask aid from the State of Florida for the maintenance of this institution of learning.

\$3,400.00 appropriated for the relief of persons who donated money to the State Normal School.

Sec. 2. That the Treasurer of the State of Florida pay the said sum of money to the said J. J. Fitzgerald, S. K. Gillis and Daniel Campbell, as trustees, or their legal representatives.

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Sec. 3. That this act shall take effect immediately upon its passage and approval by the Governor, or within ten days after his failure to sign the same.

Approved June 3, 1907.

CHAPTER 5727—(No. 132).

AN ACT to Repeal an Act to Provide for the Payment of all Surplus Funds in the Fine and Forfeiture Fund of Alachua County, in the State of Florida, exceeding Four Thousand Dollars, into the School Fund of said County. The Same Being Chapter 5552, Laws of Florida, Acts of 1905.

Be it Enacted by the Legislature of the State of Florida:

Chap. 5552,
Acts of 1905
repealed.

Section 1. That Chapter 5552, Laws of Florida, Acts of 1905, be and the same are hereby repealed.

Approved May 22, 1907.

CHAPTER 5728—(No. 133).

AN ACT Exempting the South Florida Loan & Trust Company, of Arcadia, Florida, from the Interest Laws on Loans Made for Purpose of Building upon and Otherwise Improving Real Estate on the Monthly Repayment Plan.

Whereas, the South Florida Loan & Trust Company, of Arcadia, Florida, is organized for the purpose of aiding home builders and advancing money for long term upon the monthly repayment plan, and for the improvement of real estate:
Therefore—

Be it Enacted by the Legislature of the State of Florida:

Exemption
from interest
laws.

Section 1. That the South Florida Loan & Trust Company, of Arcadia, Florida, be exempt from the interest

laws of Florida upon all loans made on the monthly repayment plan by it for the purpose of aiding, the building upon, and otherwise improving real estate.

Sec. 2. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 3. This act to take effect upon its passage and approval by the Governor.

Approved June 1, 1907.

CHAPTER 5729—(No. 134).

AN ACT to Authorize the Boards of Pilot Commissioners of Escambia County to Employ an Attorney, and to Provide for the Payment by the Board of County Commissioners of the County in Which the Principal Business of the Port is Conducted, of the Salary of such Attorney, and if Other Costs and Expenses Incurred by the Board of Pilot Commissioners.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the Boards of Pilot Commissioners of Escambia County, appointed for the several ports of this State may employ attorneys at law, whose salary is not to exceed twenty-five dollars a month, together with all other necessary expenses and costs incurred by the said Boards in the performance of their duties, shall be audited and paid by the County Commissioners of the county in which the principal business of the port is conducted, out of the general fund of the county, at the next regular meeting after the receipt by the said Board of County Commissioners from the Board of Pilot Commissioners of an itemized statement of such fees and expenses, under the hand of its president and secretary and the seal of the board.

Board of Pilot Commissioners of Escambia County authorized to employ attorneys to be paid by county out of general revenue fund.

Sec. 2. This act shall take effect immediately upon its becoming a law.

Became a law without the approval of the Governor.

AN ACT to Amend Sections 33 and 38 of the General Statutes of the State of Florida, and Chapter 4811 of the Acts of the Legislature of Florida, relating to the Boundary Line Between the Counties of St. Johns and Volusia.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 33 of the General Statutes of the State of Florida (and Chapter 4811 of the Acts of 1899) be and the same are hereby amended to read as follows:

Beginning of
boundary
line of St.
Johns Coun-
ty and con-
tinued de-
scription of
line to point
of beginning.

Section 33. St. Johns.—The boundary line of St. Johns county shall commence at a point on the Atlantic coast, at a point where the section line between ten and fifteen, in township three, south of range twenty-nine, east, intersects the said Atlantic coast; thence running west on the said section line to a point where said section line intersects the range line between ranges twenty-eight and twenty-nine; thence south on said range line to a point where said range line intersects the township line between townships four and five; thence west on the township line between townships four and five in range twenty-eight, to a point where said township line intersects the range line between ranges twenty-seven and twenty-eight; thence north on said range line to where the same intersects Durbin Creek, thence along the south bank of Durbin Creek to Julington Creek; thence along the center of Julington Creek to the mouth thereof; thence due west to the St. Johns River and boundary line of Clay County; thence southwardly along the said river and boundaries of Clay and Putnam Counties to a point due west of the mouth of Deep Creek; thence up the center of Deep Creek to the point of intersection of Deep Creek with the range lines between ranges twenty-seven and twenty-eight; thence south on said range line to Dunns Lake to the center thereof; thence eastwardly along the center of said lake to Haw Creek, to the north bank of the same; thence along said bank of said creek to the east bank of a creek or branch known as the Middle Haw Creek; thence north-

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wardly along said east bank of said creek or branch to a point where the township line between townships twelve and thirteen in range twenty-nine, east, intersects said creek or branch; thence east on said township line, and other adjoining township lines, to a point where said township line intersects the Kings road; thence northerly along said Kings road to the point where the line dividing the Bulow and Ormond grants intersects the said Kings road; thence along the said line between the two grants in a northeasterly direction across Bulow Creek; thence following a continuance of this line, being the line dividing the lots seven and eight of the subdivision of the Bulow grant, to its intersection with the Haulover or Smith Creek; thence along said Haulover or Smith Creek to the intersection of the line running east between sections thirty and thirty-one and sections twenty-nine and thirty-two, township twelve, south, of range thirty-two, east; thence along said line to the Atlantic coast; thence northwardly along said Atlantic coast including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida to the place of beginning.

Sec. 2. That Section 38 of the General Statutes of the State of Florida (and Chapter 4811 of the Acts of 1899), be and the same is hereby amended to read as follows:

Sec. 38. Volusia.—The boundary lines of Volusia county are as follows: Commencing at Lake George at a point south of the Spanish grant, known as the Acosta grant of land; thence in a direct line to the most southerly part of Dunns Lake; thence to the mouth and north bank of Haw Creek; thence along said bank of said creek to the east bank of a creek or branch known as the Middle Haw Creek; thence northwardly along said east bank of said creek or branch to a point where the township line between townships twelve and thirteen, south, in range twenty-nine, east intersects said creek or branch; thence east along said township lines, and other adjoining township lines, to a point where said line intersects the King's road; thence northerly along said King's road to the point where the line dividing the Bulow and Ormond grants intersects the said King's road; thence along the said line between the two grants in a northeasterly direction across Bulow Creek; thence following a continuance of this line, being the line dividing lots seven and eight of the sub-

Beginning point of the boundary line of Volusia County and description of line to place of beginning.

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division of the Bulow grant, to its intersection with Hau over or Smith Creek; thence along said Hau over or Smith Creek to the intersection of the line running east between sections thirty and thirty-one and sections twenty-nine and thirty-two, township twelve, south of range thirty-two east; thence along said line to the Atlantic Ocean, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida to the line dividing townships nineteen and twenty, running west along said line to the range line between ranges thirty-three and thirty-four; thence south along said line to township line between township twenty-one and twenty-two; thence west along said line to the middle of the St. Johns River; thence north down said St. Johns river, what is known as "Old River," running on the south and west side of what is known on the maps of public surveys as "Huloons Island," and Lake George to the place of beginning.

Sec. 3. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. This act shall take effect and be in full force immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5731—(No. 136).

AN ACT to Permit the Registered Voters of Commissioner's District Number 1, of Lake County, Florida, to Decide Whether Hogs Shall be Allowed to Run at Large in Said District.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The Board of County Commissioners of Lake County shall, upon the presentation to said board at any regular meeting thereof, of a written application from not less than one-fourth of the registered voters of said district, asking for an election to be held in said district to decide whether hogs shall be permitted to run

County Commissioners to order an election when petitioned to do so.

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large in said district, order an election in said district, to decide whether hogs shall be allowed to run at large in said district, or not; and shall cause the clerk of said board, to give at least thirty days notice of said election by publishing the same in a newspaper published in said county nearest to the said district.

Clerk to give notice of election in newspaper.

Sec. 2. For such election, electors may be registered as provided in the general law for registration for special elections, and they shall have the same qualifications for and prerequisites to voting as in elections under the general election laws.

Electors may be qualified as in general election law for special elections.

Sec. 3. The said election shall be had and conducted in the manner prescribed by law for holding general elections, except as herein provided.

Conduct of election.

Sec. 4. All elections ordered under this act, shall be held within sixty days from the time of presenting such application, but no such election shall take place within sixty days of any State or National election.

Election to be held in 60 days after application.

Sec. 5. That such election shall be governed by such laws as in cases of general elections, and the vote shall be canvassed, and the returns made to the County Commissioners without delay, and in the same manner and form as provided by the general law covering elections, as far as applicable.

Election to be governed by laws as in cases of general election.

Sec. 6. At said election the ballots used, shall be of plain white paper, and shall have printed or written on one side thereof, either, "For free range for hogs," or "Against free range for hogs."

Preparation of ballot.

Sec. 7. Should a majority of the votes legally cast at any such election be against the running at large of hogs, then no hogs shall be allowed to run at large in the said district, until otherwise determined by an election, which shall not be held oftener than once in four years, but should a majority of those voting cast their votes in favor of allowing hogs to run at large in said district, then hogs may be allowed to run at large until otherwise determined by an election to be held in pursuance of this act.

Majority of legal votes cast shall control.

Sec. 8. Any owner or owners of any hog or hogs in said district who shall, after said district has by the vote of a majority of the legal voters thereof decided that hogs may

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Penalty for
permitting
hogs to run
at large
when pro-
hibited.

not run at large therein, allow any such hogs to them be-
longing to run at large in said district, the owner or
owners of such hog or hogs shall be liable at law for any
and all damages caused by reason of such hog or hogs
running at large (contrary to this act), and shall be
liable to a fine not to exceed fifty dollars, or imprisonment
not to exceed ninety days.

Sec. 9. That all laws, and parts of laws in conflict with
the provisions of this act be and the same are hereby re-
pealed.

Sec. 10. That this act shall become operative upon its
passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5732—(No. 137).

AN ACT to Validate and Make Legal Certain County
Warrants or County Script Issued and to be Issued
by Taylor County, Florida, and to Cure all Defects
and Irregularities of the Same, and to Secure County
Warrants or County Script to the Amount of Fifty-
four Thousand Dollars Heretofore Issued, or That May
Hereafter be Issued for the Purpose of Building a
Court House at Perry, in Taylor County, Florida, a
Binding and Legal Obligation of Said County of Taylor,
and to Secure and Make Valid the Agreement and Con-
tract of Taylor County, Florida, to Pay Interest on
Said Script or County Warrants to the Amount of
Six Per Cent Per Annum.

Whereas, the County Commissioners for the County of
Taylor and State of Florida, have contracted with C. C.
Tetherow & Company, a copartnership, to build a
courthouse, of the value of fifty-four thousand dollars,
and of the contract price of fifty-four thousand dollars,
in Perry, Taylor County, Florida, and to build said
courthouse it became necessary for the County Com-
missioners of Taylor County, Florida, to issue certain

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county script, known as "county warrants" of the said county of Taylor, aggregating the sum of fifty-four thousand dollars, and part of which said script or county warrants have heretofore been issued and a part of which said script or county warrants will hereafter be issued in payment for said court house, which said script has been issued and made payable to C. C. Tetherow & Company, or order, and those that have not been issued, will be issued and made payable to the said C. C. Tetherow & Company, or order, and all of said county warrants or script bearing interest at the rate of six per cent per annum, the interest payable annually; and whereas, some question has arisen as to the legality of the action of the County Commissioners of said county in issuing such script or warrants, although said county has a consideration for the agreement to build said courthouse by the said C. C. Tetherow & Company, agreed to issue said script or county warrants, and will receive the full benefit and consideration for the same before said county warrants or script shall have been issued under the terms of the contract with C. C. Tetherow & Company; and whereas, the County Commissioners of the said county of Taylor and State of Florida desire that their actions in the matter be legalized and validated and said script or county warrants legalized and made valid.

Therefore—

Be it Enacted by the Legislature of the State of Florida:

Section 1. That all the acts of the County Commissioners of the county of Taylor and State of Florida, in relation of the issuance of the county script of Taylor County, Florida, known as county warrants of said county, which said script or county warrants has been and is to be issued for the building of a court house in Perry, Taylor County, Florida, and are to be styled, designated and labeled "courthouse warrants," to the amount of fifty-four thousand dollars, be and the same are hereby in all respects validated and declared legal and binding obligations of Taylor County, Florida.

"Court House" warrants of Taylor County validated.

Sec. 2. That all the acts, agreements and contracts of the said Taylor County, Florida, to pay interest on the

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Taylor
County's
agreement
to pay court
house war-
rants vali-
dated.

script or county warrants referred to in Section 1 of this act, to the amount of six per cent per annum, whether such agreement or contract to pay said interest appears on the face of said script or county warrants or is otherwise evidenced, be and the same is hereby validated and declared to be a legal and binding obligation upon Taylor County, Florida.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. This act shall take effect immediately upon passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5733—(No. 138).

AN ACT to Legalize all the Acts and Deeds of Mrs. Annie K. Dearborn While Serving as Clerk of the Circuit Court in and for Dade County, Florida.

Be it Enacted by the Legislature of the State of Florida

Official acts
of Annie K.
Dearborn
validated.

Section 1. That all acts done and deeds performed by Mrs. Annie K. Dearborn, while serving in her official capacity as Clerk of the Circuit Court in and for Dade County, Florida, are hereby declared to be legally done and of full force and effect.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved May 22, 1907.

AN ACT to Appropriate the Sum of Fifteen Thousand Dollars Annually for Two (2) Years to Aid the Florida State Midwinter Fair Association in Making a Display of the Agricultural, Mineral, Industrial, Horticultural, Forestry, Live Stock and Other Resources of the State of Florida; to Encourage and Promote Immigration from Other States of the United States, also Foreign Countries, and to Influence Competition Among the Various Producers that Will Tend to Improve the Character of All Products Known to the State of Florida, the Said Fair To Be Held in the City of Tampa, Florida, Between November 1st, 1907, and March 1st, 1908, and Also Between November 1st, 1908, and March 1st, 1909, and to Provide for the Payment Therefor.

Be It Enacted by the Legislature of the State of Florida:

Sec. 1. That the sum of fifteen thousand dollars be and the same is hereby appropriated annually for two years; Provided, That before the payment of each installment of fifteen thousand dollars, the said Florida State Midwinter Fair Association shall give a bond payable to the Governor of the State of Florida, with good and sufficient surety and sureties in the sum of thirty thousand dollars to insure the faithful appropriation of the said moneys for the purposes provided for in this act; Provided, Said fair shall not be kept open on Sunday, for the purpose of aiding the Florida State Midwinter Fair Association in displaying the agricultural, mineral, horticultural, industrial, forestry, live stock and other resources of the State of Florida; Provided, however, That the said sum of fifteen thousand dollars annually shall be used entirely for the payment of premiums for the purpose of introducing competition among the producers of products grown in Florida, and shall be used for no other purpose, and that the said premiums shall be open for the competition of every county and individual producer in the State of Florida, and shall be applied to the payment of county and individual premiums only, and not for the erection of exposition buildings or in any other way

Appropriation.

Association to give bond.

Shall not be kept open on Sunday.

Appropriation shall be used for the payment of premiums.

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defraying expenses incurred by the said Florida State Midwinter Fair Association.

Comptroller
authorized
to draw war-
rants paya-
ble to Treas.
of associa-
tion on Nov.
1st, 1907-08.

The Comptroller of the State of Florida is hereby authorized and directed to draw his warrant for the said sum of fifteen thousand dollars annually, payable to the Treasurer of the Florida State Midwinter Fair Association on the 1st day of November, 1907, and on the 1st day of November, 1908, and payable out of any fund in the Treasury not otherwise appropriated.

No gambling
allowed.

Provided, That there shall be no gambling devices or gambling within or near said fair grounds.

Association
to publish
statement of
expenditures

Provided, That the Florida State Midwinter Fair Association shall make out, swear to, and publish in three or more newspapers of this State an itemized statement of expenditures of all money donated or granted to said association by the State of Florida within sixty days after the close of each fair.

Proviso.

Provided, further, That nothing in this act shall be held to abridge any of the rights given to associations legally incorporated for the purpose of driving, racing or otherwise improving the speed or breed of horses under the General Statutes of the State of Florida.

Sec. 2. All laws or parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved May 31, 1907.

AN ACT to Appropriate Four Thousand Dollars to Aid the West Florida Fair Association in Making a Display of the Agricultural Resources of the State, at the West Florida Fair, To Be Held at DeFuniak Springs, Florida, in the Fall of 1907 and 1908, and to Provide for the Payment Thereof.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the sum of four thousand dollars be appropriated and the same is hereby appropriated for the purpose of aiding the West Florida Fair Association in displaying the agricultural and industrial resources of the State at the West Florida Fair, to be held at DeFuniak Springs, Florida, in the fall of 1907 and 1908, and that the Comptroller be, and is hereby, authorized and directed to draw his warrants for the said sum of four thousand dollars, payable to the Treasurer of the West Florida Fair Association as follows: Two thousand dollars in 1907, and two thousand dollars in 1908, payable out of the funds of the Treasury not otherwise appropriated; Provided, however, That the money so appropriated shall be expended for the payment of premiums only.

Sec. 2. That this act shall take effect upon the passage of the bill.

Approved May 31, 1907.

CHAPTER 5736—(No. 141).

AN ACT Granting and Confirming in W. F. Creary of the City of Pensacola, Florida, and his Heirs, all the Right, Title and Interest of the State of Florida in and to Certain Lands Situate in Said City and State, the Same Being a Part of the Water Front of Said City.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the State of Florida does hereby grant

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Grant of
lands in
Pensacola to
W. F. Creary

unto and confirm in W. F. Creary, of Pensacola, Florida, and his heirs all the right, title and interest of the State of Florida in and to the following described parcels of land, situate in said city and State, and more particularly described as follows, to-wit: Lots 26, 27, 28 and 29 all in block 44 of the water front of said city, according to the map thereof referred to in Section I of Chapter 4802 of the Laws of Florida, except such portion of said lots as have already been conveyed or granted to him, the said W. F. Creary, by and under said Chapter 4802.

Sec. 2. That this act shall take effect upon its passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5737—(No. 142).

AN ACT for the Relief of R. M. Cary, I. M. Aiken, Geo. Lappington, J. M. Flinn, J. H. Harvell and J. E. Abercrombie, as Pilot Commissioners of the Port of Pensacola:

Whereas, the said above named Pilot Commissioners have been caused by the exigencies of their office to individually incur and pay several items of indebtedness in the conduct of their office as Pilot Commissioners, and, whereas, there is no provision of law for the refunding of said sums, and, whereas, the amount so paid has been ascertained to be the sum of two hundred and fifteen and 22-100 (\$215.22) dollars:

Be it Enacted by the Legislature of the State of Florida:

Relief of Pi-
lot Commis-
sioners of
Pensacola to
be paid by
county.

Section 1. Be it, therefore, enacted, that the County Commissioners of Escambia County, Florida, shall pay out of the general fund of said county to the said R. M. Cary, I. M. Aiken, Geo. Lappington, J. M. Flinn, J. H. Harvell and J. E. Abercrombie the said sum of \$215.22, and take their receipt therefor.

Sec. 2. This act to take effect immediately upon its approval by the Governor.

Approved May 7, 1907.

CHAPTER 5738—(No. 143).

AN ACT to Provide for the Relief of John R. Dudley, Member of the House of Representatives from Hillsborough County.

Whereas, John R. Dudley, a member of the House of Representatives from Hillsborough County, for several weeks has been dangerously ill; and,

Whereas, This illness was contracted during his work as a said member of the House of Representatives; and,

Whereas, the expenses of said illness will be a heavy financial burden upon the said John R. Dudley; Therefore—

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the sum of seven hundred and fifty dollars or so much of said sum as may be necessary is hereby appropriated for the relief of said John R. Dudley.

Sec. 2. That the Comptroller of the State of Florida is hereby authorized and empowered to draw warrants on the State Treasurer for all bills for drugs and medicines purchased for said John R. Dudley during said illness; for all bills for nurses and physicians who attended said John R. Dudley during said illness; and for all expenses incidental to the removal of said John R. Dudley to the hospital; for such expenses as may be necessary for his removal from Tallahassee to his home and for all expenses of Mrs. John R. Dudley incidental to said illness.

Appropriation.
Comptroller authorized to draw warrants for the payment of expenses accrued on account of illness of Representative Dudley.

That all said bills shall be approved by the Chief Clerk of the House of Representatives, J. G. Kellum, before said warrants shall be drawn.

Sec. 3. This act shall become operative and take effect upon its passage and approval by the Governor.

Approved June 1, 1907.

AN ACT for the Relief of J. R. Eaker of Leesburg, Lake County, Florida, for loss of Horses and Mules Ordered Killed by Charles F. Dawson, Veterinarian of the University of Florida.

Be It Enacted by the Legislature of the State of Florida:

Appropriation for relief of J. P. Eaker for two mules killed by State Veterinarian.

Section 1. That the sum of two hundred dollars for two horses and the sum of two hundred dollars for two mules be and the same is hereby appropriated out of any funds provided and appropriated for the expenses of the State Board of Health not otherwise appropriated, to be paid to J. R. Eaker for the loss of two horses and two mules mentioned above, that were killed on the 21st day of October, A. D. 1903, by order of Charles F. Dawson, State Veterinarian of the University of Florida, acting under authority of Chapter 5261, Laws of Florida, approved June 3, 1903. It having been decided by the veterinarian named above that said stock were affected with the disease of glanders.

Sec. 2. The Comptroller is hereby required to draw his warrant on the Treasurer for the said sum of four hundred dollars in favor of J. R. Eaker, and the Treasurer to pay the same.

Sec. 3. This act to take effect upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Became a law without the approval of the Governor.

CHAPTER 3740—(No. 145).

AN ACT for the Relief of Melton Fishburn.

Whereas, One Melton Fishburn, of the County of Hamilton, State of Florida, was convicted of the crime of breaking and entering a building with intent to commit a misdemeanor, and was sentenced to serve one year in the State prison in punishment thereof; and

Whereas, Since serving said sentence the said Melton Fishburn has lived a law-abiding life, regaining the esteem and confidence of the community; Now Therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the said Melton Fishburn be and he Citizenship restored to Melton Fishburn. is hereby restored to all rights of citizenship forfeited by said conviction.

Sec. 2. That this act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without his approval.

Approved June 3, 1907.

CHAPTER 5741—(No. 146).

AN ACT for the Relief of W. R. Gainer, William A. Gainer, Thomas Brock, Sr., Gadi Yates, Abner Jones, Nicks Daniel's Estate, and James Taylor of Washington County, Florida.

Whereas, T. J. Miller was elected in November, 1886, and again in November, 1888, as Treasurer of Washington County; and

Whereas, He was not commissioned after his election in 1888; and

Whereas, W. R. Gainer, William A. Gainer, Thomas Brock, Gadi Yates, Abner Jones, Nicks Daniel's Estate, and James Taylor, became sureties on the bond of the said T. J. Miller, as Treasurer of Washington County, Florida; and

Whereas, The said T. J. Miller was charged and arrested for defalcation as Treasurer of the School Board of said county and as Treasurer for said county; and

Whereas, The said T. J. Miller was tried and acquitted on the said charge; and

Whereas, The said W. R. Gainer, William A. Gainer, Thomas Brock, Sr., Gadi Yates, Abner Jones, Nicks

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1907.

Daniel's Estate, and James Taylor, as sureties, were sued by the School Board of said County of Washington and by the said county on account of the defalcation aforesaid; and

Whereas, Judgment was obtained against the said sureties; and

Whereas, A large part of said judgment has been paid; Therefore

Be It Enacted by the Legislature of the State of Florida:

Relief of parties on bond of T. J. Miller, Ex-Treasurer of Washington County.

Section 1. That W. B. Gainer, William A. Gainer, Thomas Brock, Sr., Gadi Yates, Abner Jones, Nicks Daniel's Estate, and James Taylor be, and are, hereby relieved from the payment of the said judgment recovered against them in the said suits and from any further liability as sureties on the bond of T. J. Miller, ex-Treasurer of Washington County, Florida.

Sec. 2. This act shall take effect immediately upon its approval by the Governor.

Approved June 3, 1907.

AN ACT to Provide for the Relief of A. C. Hart of Orlando, Florida.

Whereas, It appears that on January 15, 1906, there was paid into the Treasury of the State of Florida by the General Accident Assurance Corporation, Limited, of Perth, Scotland, the sum of twenty-five dollars, as State license tax for A. C. Hart, a traveling agent of said corporation, and that, through error, the same tax, covering the same period, viz.: for the year 1906, was again paid by the said Hart himself on March 6, 1906, as shown by the receipts given by the State Treasurer and by the records in the office of the said State Treasurer; Therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the Comptroller of the State of Florida be, and he is hereby, authorized and directed to draw his warrant in favor of A. C. Hart of Orlando, Florida, for the sum of twenty-five dollars and transmit the same to the said Hart. Relief of A.
C. Hart.

Sec. 2. That this act shall become effective immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5743—(No. 148).

AN ACT for the Relief of Dr. J. Louis Horsey, for Services Rendered the State Board of Health of the State of Florida.

Whereas, The State Board of Health of the State of Florida, under the authority of Dr. Joseph Y. Porter, State Health Officer of the State of Florida, employed on the 12th day of March, 1903, for the service of the State Board of Health, Dr. J. Louis Horsey; and

Whereas, The said Dr. J. Louis Horsey rendered services to the State Board of Health of the State of Florida

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from the 12th day of March, 1903, till the 12th day of February, 1904, and for said services the said State Board of Health became indebted for the same to Dr. J. Louis Horsey in the sum of five hundred and fifty dollars (\$550.00), which bill for said sum of money has been approved and certified to be correct by the State Board of Health of the State of Florida; and

Whereas, The said sum of \$550.00 remains due and is still unpaid by the State Board of Health of Florida; and

Whereas, There is no appropriation out of which the same can be paid from the State Treasury; Therefore

Be It Enacted by the Legislature of the State of Florida:

Appropriation for relief of Dr. J. Louis Horsey.

Sec. 1. That the sum of \$550.00 be, and the same is hereby, appropriated out of the State Board of Health fund, not otherwise appropriated, to be paid to Dr. J. Louis Horsey, in full payment of his account for services rendered the State Board of Health of Florida.

Comptroller to draw warrant upon State Board of Health Fund.

Sec. 2. The Comptroller is hereby required to draw his warrant on the State Treasury for the said sum of \$550.00 in favor of Dr. J. Louis Horsey, and the said Treasurer is hereby required to pay the same out of the State Board of Health fund.

Sec. 3. This act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5744—(No. 149).

AN ACT to Restore Earl E. Hogue of Tarpon Springs, Hillsborough County, Florida, to the Rights of Citizenship.

Whereas, One Earl E. Hogue, a resident of the town of Tarpon Springs, Hillsborough County, Florida, was convicted of the crime of embezzlement and imprisoned for one year in punishment therefor, and since serving said imprisonment has lived in the said community for

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two years and has during that period lived a moral and upright life and has regained the respect and confidence of the citizens of the community in which he lives; Therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the said Earl E. Hogue be, and he is hereby, restored to the full rights of citizenship which were forfeited by conviction for said crime. Earl E. Hogue restored to citizenship.

Sec. 2. That this act shall take effect immediately after its passage and approval by the Governor, or upon becoming a law without his approval.

Approved May 27, 1907.

CHAPTER 5745—(No. 150).

AN ACT for the Relief of Mrs. N. J. Lane, Wife of W. R. Lane.

Whereas, The State of Florida on the 2nd day of March, A. D. 1896, deeded to Mrs. N. J. Lane, wife of W. R. Lane, the N $\frac{1}{2}$ of Section 31, in Township 7, Range 15 East, three hundred and twenty acres of land in Alachua County, Florida, and embraced in Tax Certificate No. 82 of 1893, and on the 14th day of December, A. D. 1896, deeded the N $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 31, Township 7, Range 15 East, one hundred and sixty acres of land in Alachua County, Florida, and embraced in Tax Certificate No. 83, of 1893, which was at that time land belonging to the United States, and the State of Florida received from the said Mrs. N. J. Lane, wife of W. R. Lane, the sum of twenty-two and 28-100 dollars (\$22.28) in payment of the said lands above described, and the sum of ten and 84-100 dollars (\$10.84), State taxes for the years 1897, 1898 and 1899.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the Comptroller is hereby directed to draw his warrant on the Treasurer for the sum of thirty-three and 12-100 dollars (\$33.12) in favor of Mrs. N. J. Lane. Appropriation for the relief of Mrs. N. J. Lane.

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Lane, wife of W. R. Lane, and the Treasurer is hereby required to pay the same out of any moneys in the Treasury of the State of Florida not otherwise appropriated.

Sec. 2. This act shall take effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5746—(No. 151).

AN ACT for the relief of W. A. McRae, H. H. Lewis, Minnie E. Kehoe, J. H. Carter, C. G. Butler, J. B. Justiss, Senie Horn, W. H. Hoskins, Jake Horn, J. H. Ranew, T. A. Jennings, J. W. Russ, C. G. Hartsfield, C. C. Owens, J. D. Watson, Fred Messer, John Young, Louis Messer, Wade Whiddon, J. R. Conely, Ellis F. Davis, and F. G. Merritt, and making Appropriation Therefor, and Providing for Manner of Payment of Same.

Whereas, On the 5th day of April, A. D. 1905, in the Circuit Court of the First Judicial Circuit of Florida, for Jackson County, a motion to disbar Robert J. Boone was filed by the State Attorney, J. Walter Kehoe, and on the 5th day of April, 1905, an order was made by the Hon. C. B. Parkhill, Judge of said court, sustaining said motion, and making a further order that said case be set for trial on the 19th day of June, A. D. 1905, and that witnesses be summoned; and

Whereas, W. A. McRae, Clerk of said Court, under said order issued subpoenas for witnesses and performed such other services in the case as required by law, and submitted his bill for costs as follows, and which bill is due and unpaid:

W. A. McRae, Clerk Circuit Court.....\$ 64.87
And—

Whereas, H. H. Lewis, Sheriff of said county, served process as by law required and submitted bills therefor as follows:

H. H. Lewis\$ 95.65
And—

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Whereas, The court on the 19th day of June, 1905, having made an order that Minnie E. Kehoe, official court reporter, report the testimony in said case, and make a transcript thereof, and the said Minnie E. Kehoe having rendered services under such order and submitted her bill for same, in the sum of \$37.50, which said bill has been duly certified to by the Hon. John Malone, Judge, and by W. A. McRae, Clerk of said Court; and

Whereas, The following witnesses were duly subpoenaed and were in attendance upon said court, as follows:

Days. Miles.

J. H. Carter.....	2	..	\$ 2.00
C. J. Butler.....	1	48	3.40
J. B. Justiss	5	64	8.20
Senie Horne.....	4	20	5.00
W. H. Hoskins.....	5	34	8.20
Jake Horn.....	5	80	9.00
J. H. Banew.....	6	64	9.20
T. A. Jennings.....	3	272	16.60
J. W. Russ.....	4	..	4.00
O. G. Hartsfield.....	4	..	4.00
C. C. Owens.....	3	38	4.90
J. D. Watson.....	4	..	4.00
Louis Messer.....	3	32	4.60
Fred Messer	2	34	3.70
John Young.....	3	38	4.90
Wade Whiddon	2	32	3.60
J. R. Conely.....	3	..	3.00
Ellis Davis.....	3	..	3.00
F. G. Merritt.....	3	..	3.00

Total.....\$104.30

Grand total.....\$302.32

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Whereas, Said sums remain due and unpaid; and

Whereas, There is no appropriation out of which same can be paid from the State Treasury; Therefore

Be It Enacted by the Legislature of the State of Florida:

Appropriation to pay cost of court in disbursement proceedings against R. J. Boone.

Section 1. That the sum of three hundred and two and 32-100 dollars (\$302.32) be, and the same is, hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, to be paid to W. A. McRae, in full payment of said accounts, to be by him disbursed to the respective claimants mentioned herein, and he to take receipts therefor.

Jackson County to reimburse State from first money of hire of convicts.

Sec. 2. The Comptroller is hereby required to draw his warrant on the Treasurer for the said sum of three hundred and two and 32-100 dollars (\$302.32) in favor of W. A. McRae; Provided, That Jackson County shall reimburse the State of Florida for the entire sum named herein from the first money received by the State from the hire of State convicts sentenced from Jackson County.

Sec. 3. This act shall go into effect immediately after its passage and approval.

Approved June 3, 1907.

CHAPTER 5747—(No. 152).

AN ACT for the Relief of W. A. McRae, H. H. Lewis, Minnie E. Kehoe, John D. Watson, C. G. Hartsfield, A. M. Lewis, Annanias Long, Joe Cowan, M. A. Parrish, I. H. King, John H. Parker, C. J. Butler, S. M. Dunwoody, Dave Tyson, A. L. Gramling, M. R. May, Lum Whiddon, R. Wardlaw, E. F. Davis, W. B. Pickett, J. C. VanPelt, J. L. Alexander, Charley Hopkins, H. E. Hickman, C. G. Allen, W. G. Love, W. R. Herriott, H. E. Wilson, Ed Wohlwender, W. Cecil Neill, and Making Appropriation Therefor, and Providing for Manner of Payment of Same.

Whereas, On the 5th day of April, A. D. 1905, in the Circuit Court of the First Judicial Circuit of Florida, for Jackson County, a motion to disbar John M. Calhoun was filed by the State Attorney, J. Walter Kehoe, and on the 5th day of April, 1905, an order was made by the Hon. C. B. Parkhill, sustaining said motion, and making a further order that said case be set for trial on the 19th day of June, 1905, and that witnesses be summoned; and

Whereas, W. A. McRae, Clerk of said Court, under said order, issued subpoenas for witnesses and performed such other services in the case as required by law, and submitted his bill for costs, as follows, and which bill is due and unpaid:

W. A. McRae, Clerk Ct. Ct. \$ 32.38
And—

Whereas, H. H. Lewis, Sheriff of said county, served process as by law required and submitted bills therefor, as follows, and which bill is due and unpaid:

H. H. Lewis, Sheriff \$102.70
And—

Whereas, The Court, on the 23rd day of June, having made an order that Minnie E. Kehoe, official court reporter, report the testimony in said case, and the said Minnie E. Kehoe having rendered services under such order and submitted her bill for same, in the sum of \$12.00, which bill has been duly certified to, and is due and unpaid:

Minnie E. Kehoe, official court reporter \$ 12.00
And—

Whereas, The following witnesses were duly subpoenaed, and were in attendance upon said court as follows:

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Days. Miles.

John D. Watson.....	3	..	\$ 3.00
C. G. Hartsfield.....	5	..	5.00
A. M. Lewis.....	4	272	17.50
Annanias Long.....	7	70	10.50
Joe Cowan.....	7	96	11.80
M. A. Parrish.....	7	328	23.40
I. H. King.....	5	52	7.50
John H. Parker.....	6	..	5.00
C. J. Butler.....	1	48	3.40
S. M. Dunwoody.....	1	40	3.00
A. L. Gramling.....	3	45	5.30
M. B. May.....	2	54	4.70
Lum Whiddon.....	3	32	4.60
B. Wardelaw.....	3	32	4.60
E. F. Davis.....	2	..	2.00

 Total.....\$115.50

W. B. Pickett, Sheriff Duval County..	\$.80
J. C. VanPelt, Sheriff Escambia County.	3.20
J. L. Alexander, Sheriff Calhoun County.	.85
Charley Hopkins, Sheriff Leon County..	1.15
H. E. Hickman, Sheriff Holmes County.	18.90
C. G. Allen, Sheriff Washington County.	9.90

 \$ 34.75

W. G. Love, Comm. to take testimony...	\$ 50.34
W. R. Herriott, Comm. to take testim'y.	10.00
H. E. Wilson, Comm. to take testimony.,	10.00
Ed Wohlwender, transcribing testimony.	6.35
W. Cecil Neill, stenographer.....	18.05

 \$94.74

 Grand total.....\$392.07

Whereas, Said sums remain due and unpaid; and
 Whereas, There is no appropriation out of which same can
 be paid from the State Treasury; Therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the sum of three hundred ninety-two

and 7-100 dollars (\$392.07) be, and the same is, hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated to be paid to W. A. McRae, in full payment of said accounts, to be by him disbursed to the respective claimants mentioned herein, and he to take receipts therefor.

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Provided, That Jackson County shall reimburse the State of Florida for the entire sum named herein from the first money received by the State from the hire of State convicts sentenced from Jackson County.

Appropriation to pay cost of court in disbarment proceedings against J. M. Calhoun. Jackson County to reimburse State.

Sec. 2. The Comptroller is hereby required to draw his warrant on the Treasurer for the said sum of three hundred ninety-two and 7-100 dollars (\$392.07), in favor of W. A. McRae.

Sec. 3. This act shall go into effect immediately after its passage and approval.

Approved June 3, 1907.

CHAPTER 5748—(No. 153).

AN ACT for the relief of W. A. McRae, H. H. Lewis, Minnie E. Kehoe, W. H. Taylor, Calvin Baker, Frank L. Mayes, Percy Hayes, Emmanuel Spires, John Capehart, John Ruge and Ellis Davis, and Making Appropriation Therefor, and Providing for Manner of Payment of Same.

Whereas, On the 4th day of March, 1905, in the Circuit Court of the First Judicial Circuit of Florida, for Jackson County, a motion to disbar Benjamin S. Liddon was filed by the State Attorney, J. Walter Kehoe, and on the 4th day of March, 1905, an order was made by the Hon. C. B. Parkhill, Judge of said court, sustaining said motion, and making a further order that said case be set for trial on the 17th day of March, 1905, and that witnesses be summoned; and

Whereas, W. A. McRae, Clerk of said Court, under said order issued subpoenas for witnesses and performed such other services in the case as required by law, and

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submitted his bill for costs as follows, and which bill is due and unpaid:

W. A. McRae, Clerk Circuit Court.....\$10.69
W. A. McRae, to amt. paid Ruge and Taylor. 17.60—\$28.29

Whereas, H. H. Lewis, Sheriff of said county, served process as by law required and submitted bills therefor, as follows:

H. H. Lewis.....\$17.00
And—

Whereas, The court, on the 17th day of March, 1905, having made an order that Minnie E. Kehoe, official reporter, report the testimony in said case, and make a transcript thereof, and the said Minnie E. Kehoe having rendered services under such order and submitted her bill for same, in the sum of \$57.90, which said bill has been duly certified to by the Hon. C. B. Parkhill, Judge, and by W. A. McRae, Clerk of said court; and

Whereas, The following witnesses were duly subpoenaed and were in attendance upon said court, as follows:

	Days.	Miles.	
W. H. Taylor (paid by Clerk) ..	1	18	\$ 1.90
Calvin Baker.....	1	34	2.70
Frank L. Mayes.....	1	272	14.60
Percy S. Hayes.....	1	272	14.60
Emanuel Spires.....	1	36	2.80
John Capehart.....	1	32	2.10
John Ruge (Paid by Clerk) ...	1	294	15.70
Ellis F. Davis.....	4	..	4.00

Total.....\$58.40
Less amount paid by Clerk..... 17.60—\$40.80
And—

Whereas, Said sums remain due and unpaid; and

Whereas, There is no appropriation out of which same can be paid from the State Treasury; Therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the sum of one hundred forty-three and

99-100 dollars (\$143.99) be, and the same is, hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, to be paid to W. A. McRae, in full payment of said accounts, to be by him disbursed to the respective claimants mentioned herein, and he to take receipts therefor.

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Appropriation to pay cost of court in disbarment proceedings against B. S. Liddon.

Sec. 2. The Comptroller is hereby required to draw his warrant on the Treasurer for the said sum of one hundred forty-three and 99-100 dollars (\$143.99) in favor of W. A. McRae.

Provided, That Jackson County shall reimburse the State of Florida for the entire sum named herein, from the first money received by the State from the hire of State convicts sentenced from Jackson County.

Jackson County to reimburse State.

Sec. 3. This act shall go into effect immediately after its passage and approval.

Approved June 3, 1907.

CHAPTER 5749—(No. 154).

AN ACT for the Relief of J. W. H. McClelland, of Drifton, Florida, for Loss of Horse Ordered Killed by Charles F. Dawson, Veterinarian of the University of Florida.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the sum of one hundred dollars for one horse be and the same is hereby appropriated out of any funds provided and appropriated for the expenses of the State Board of Health to be paid to J. W. H. McClelland for the loss of one horse that was killed on the 4th day of May, 1905, by order of Charles F. Dawson, State Veterinarian of the University of Florida, acting under authority of Chapter 5261, Laws of Florida, approved June 3, 1903. It having been decided by the veterinarian named above that said stock was affected with the disease of glanders.

Appropriation for relief of J. W. H. McClelland for one horse killed by State Veterinarian

Sec. 2. The Comptroller is hereby required to draw his warrant on the Treasurer for the said sum of one hun-

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dred dollars in favor of J. W. H. McClelland and the Treasurer to pay the same.

Sec. 3. This act to take effect upon its passage and approval by the Governor or upon its becoming a law without such approval.

Became a law without the approval of the Governor.

CHAPTER 5750—(No. 155).

AN ACT for the relief of Mrs. Mary J. Newlan, widow of the late Senator, J. R. Newlan.

Whereas, It has seemed good to the Great Creator to Remove from the stage of action on the 5th day of April, A. D. 1907, the Hon. J. R. Newlan, Senator from the 17th Senatorial District of the State of Florida; and,

Whereas, The emoluments of the office from the time of his death to the election of his successor on May 2nd, 1907, would be of much benefit to his widow, Mrs. Mary J. Newlan; therefore,

Be it Enacted by the Legislature of the State of Florida:

Appropriation for relief of widow of Senator J. R. Newlan.

Section 1. That the Comptroller is hereby directed to draw his warrant for one hundred and eighty dollars (\$180.00), in favor of Mrs. Mary J. Newlan, and the Treasurer is hereby directed to pay the same out of any moneys in the Treasury of the State of Florida not otherwise appropriated.

Sec. 2. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 22, 1907.

CHAPTER 5751—(No. 156).

1907.

AN ACT for the relief of James W. Perkins, Prosecuting Attorney of the Criminal Court of Record in and for Volusia County, Florida, for Loss of Salary and Fees During His Suspension from Said Office.

Whereas, On the tenth day of December A. D. 1905. James W. Perkins, Prosecuting Attorney of the Criminal Court of Record in and for Volusia County, was suspended from the exercise of the duties of said office, and,

Whereas, The said James W. Perkins was on the twenty-first day of May A. D. 1907 reinstated in said office. Therefore,

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the sum of one thousand five hundred and eighty-two dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid to James W. Perkins. Appropriation for the relief of James W. Perkins.

Sec. 2. The Comptroller is hereby required to draw his warrant for the said sum of one thousand five hundred and eighty-two dollars in favor of James W. Perkins and the Treasurer to pay the same.

Sec. 3. This act shall take effect upon its approval by the Governor.

Approved May 27, 1907.

CHAPTER 5752—(No. 157).

AN ACT to Increase the Pension of John R. Perry, of Hamilton County, Florida, and Providing for the Payment Thereof.

Whereas, John R. Perry, a citizen of Hamilton County, Florida, a worthy Confederate soldier, having served four years in the late war between the States, and hav-

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ing been wounded seven times, and for the last six months having been confined to his bed with paralysis, with the probability that he will be so confined to his bed for the remainder of his natural life, and now receiving the sum of ninety-six dollars per annum as a State pensioner, we, the undersigned citizens of Hamilton County, Florida, old Confederate soldiers and members of Stewart Camp Number 155, United Confederate Veterans, viz: Jno. M. Caldwell, Editor Jasper News; R. H. Willis, O. W. Bailey, Adjutant Stewart Camps; R. L. Barton, J. Lee Smith, Thomas Baker, T. J. Bryan, J. W. Adams, W. Barker, W. B. Richardson, J. M. Nunn, D. B. Johnson, Commander of Stewart Camp No. 155; J. S. Johnson, W. H. McLeod, and the following citizens: J. W. Whilden, W. S. Sandlin, E. P. Smith, T. B. Johns, Sheriff Hamilton County; Barney Cheshire, Tax Collector Hamilton County; H. R. Shepard, M. A. McFen, M. L. Bryan, J. W. Barton, J. W. Hinton, W. R. Tuten, E. M. Graham, M. P. Hunter, T. H. W. Wilkinson, J. H. Peeples, W. E. McCall, L. E. Law, S. C. Law, R. M. Law, D. H. Jones, W. C. Skinner, I. T. Fennell, J. B. Wetherington, Clerk Circuit Court Hamilton County, would respectfully request your Honorable Body to grant the increase of pension asked for in the accompanying bill. Therefore,

Be it Enacted by the Legislature of the State of Florida:

Appropriation to increase the pension of John R. Perry.

Section 1. That the pension of John R. Perry, a citizen of Hamilton County, Florida, a Confederate soldier, be increased from ninety-six dollars per year to the sum of three hundred dollars per year, to be paid as other pensioners of the State of Florida.

Sec. 2. This act to take effect upon its passage and approval by the Governor.

Approved May 7, 1907.

AN ACT to pay the E. O. Painter Printing Company for extra volumes of Florida Supreme Court Reports reprinted under contract with the Board of State Institutions.

Whereas, Under the provisions of Chapter 5408, Laws of Florida, the Board of State Institutions was instructed to contract for the reprinting of Volumes 8, 11, 13, 14, 15, 16, 21 and 22 of the Florida Supreme Court Reports; and,

Whereas, In pursuance of the provisions of said Chapter 5408, the Board of State Institutions did, on the 10th day of October, 1905, enter into a contract with the E. O. Painter Printing Company to supply to the State the said reprints of Supreme Court Reports, which contract, on the part of said printing company, was promptly and faithfully executed; and,

Whereas, In accordance with the terms of the contract, and on the delivery to the State, it was discovered that the said printing company had furnished the following extra copies of said reprints, to-wit: Volume 8, 20 copies; Volume 11, 24 copies; Volume 13, 200 copies; Volume 14, 26 copies; Volume 15, 10 copies; Volume 16, 22 copies; Volume 21, 6 copies; and Volume 22, 23 copies; making a total of 151 copies printed and delivered in excess of the contract number of 600; and,

Whereas, Without additional legislation, it is impossible for the Board of State Institutions to pay the E. O. Painter Printing Company for the excess over six hundred copies, amounting to \$122.48; Therefore,

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the sum of one hundred and twenty-two dollars and forty-eight cents (\$122.48) is hereby appropriated out of any money in the treasury not otherwise appropriated for the payment to the E. O. Painter Printing Company for printing certain volumes of the Florida Supreme Court Reports in excess of the number contracted for.

Appropriation to pay E. O. Painter Pub. Co. for excessive printing of Supreme Court Reports.

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1907.

Sec. 2. The Comptroller is hereby required to draw his warrant on the Treasury for the sum of one hundred and twenty-two dollars and forty-eight cents (\$122.48) in favor of the E. O. Painter Printing Company, and the State Treasurer is hereby required to pay same, in full settlement of said excess printing.

Sec. 3. This act shall go into effect from and after its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5754—(No. 159).

AN ACT for the Relief of John B. Vaughn.

Whereas, John B. Vaughn of the County of Escambia, State of Florida, was indicted and convicted in the Criminal Court of Record of Escambia County in the year A. D. 1907, for the crime of manslaughter; and

Whereas, The said John B. Vaughn has since paid the penalty imposed upon him by said court, and is now a law-abiding citizen in good standing in the community and county in which he now resides; Therefore,

Be it Enacted by the Legislature of the State of Florida:

John B.
Vaughn re-
stored to cit-
izenship.

Section 1. That John B. Vaughn, of the County of Escambia and State of Florida, be and he is hereby restored to all the rights of citizenship in this State.

Sec. 2. That this act shall take effect from and after the date of its passage and approval by the Governor.

Approved May 21, 1907.

AN ACT to authorize the Board of County Commissioners of Brevard County, Florida, to levy an additional tax of two mills each year, for the purpose of buying machinery to build hard surface roads in said county.

Be it Enacted by the Legislature of the State of Florida:

Section 1. It shall be the duty of the Board of County Commissioners, of Brevard County, Florida, upon the presentation to them of one or more petitions signed by a majority of the registered voters, who are freeholders, of said county, asking for an additional levy of two mills taxes for each year, for two years, for the purpose of buying machinery to build hard surface public roads in said county, to levy a tax of two mills each year, for two years, upon all property in said county subject by law to taxation, in addition to the other taxes required by law to be levied.

County Commissioners of Brevard County to levy a two-mill tax for hard roads when petitioned.

Sec. 2. The levy of said taxes provided herein shall be made by the said Board of County Commissioners at the time required by law for the levy of other county taxes, and in the manner required by law for the levy of other county taxes.

Levy to be made by County Commissioners as other county tax levies.

Approved May 21, 1907.

CHAPTER 5756—(No.161).

AN ACT to Legalize and Validate an Election Held in Special Tax School District Number 1. of Dade County, Florida, on the 18th day of September, A. D. 1906, and to Legalize and Validate the Issue of Certain Bonds Sold or to be sold by the Board of County Commissioners of Dade County, Florida, under authority of and in pursuance of said election.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the election held in Special Tax School

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Election for
special tax
school dis-
trict validat-
ed.

Bond issue
validated.

District Number 1 of Dade County, Florida, on the 18th day of September, 1906, as ordered by the County Board of Public Instruction of said county, be, and the same is hereby declared legal and valid.

Sec. 2. That the issue of forty thousand (\$40,000) dollars negotiable bonds, bearing five per cent interest, as voted for in said election, and as sold or to be hereafter

Sold or to be Sold by the Board of County Commissioners of Dade County, Florida, be and the same is hereby declared legal and valid, and those bonds shall be and are hereby declared legal and valid, and these bonds shall be and are hereby declared a direct obligation and lien upon the assessable properties of said Special Tax School District Number 1 of Dade County, Florida, and any irregularities, defects or imperfections whatsoever in the proceedings relating to the said election and said issue of bonds are hereby declared to be cured.

County Com-
missioners to
levy special
tax and pro-
vide for pay-
ment of
principal and
interest on
bonds.

Sec. 3. The Board of County Commissioners of Dade County, Florida, are hereby authorized, and it shall be their duty, to levy and assess a special tax upon all assessable property in said Special Tax School District to provide for the payment of principal and interest of the said bonds as provided for in the published notice of said election.

Sec. 4. This act shall take effect immediately upon its passage and approval.

Approved May 1, 1907.

CHAPTER 5757—(No. 162).

AN ACT to Provide a Road and Bridge Fund for Gadsden County, Florida, to Provide for the Assessment and Collection of the Same and to Prescribe the Manner and Method of Building, Erecting and Maintaining Public Roads and Bridges in Said County.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Each County Commissioner's District in

1907.

Gadsden County is hereby declared a road district for the purpose of this act, and the roads and bridges in said districts shall be under the supervision of the Board of County Commissioners, except the roads and bridges within the limits of incorporated cities and towns.

Commissioners' district declared road district, etc.

Sec. 2. The Board of County Commissioners are hereby empowered to open and establish such new roads and bridges, and alter, repair and change such roads and bridges that are now established, as in their judgment the public welfare of the county may require, in the manner hereinafter provided.

County Commissioners empowered to establish and change roads

Sec. 3. The construction of all new roads and bridges, and the repairment of all roads and bridges which are now established, shall be done in the manner, and built of such material as the County Commissioners may deem best; Provided, however, that the width of all public roads shall not be less than thirty feet.

Manner of work, material, etc., under the direction of the County Commissioners.

Proviso.

Sec. 4. The Board of County Commissioners are hereby authorized to employ such labor by the day or month as they may deem necessary to work said roads and bridges, and to provide such machinery, teams, tools and other materials as may be necessary for the proper carrying on of the building, construction and opening of any new roads or bridges, and the repairment of any roads and bridges that are now established, in the said county of Gadsden.

Employment of labor and all tools and materials under direction of County Commissioners.

Sec. 5. The Board of County Commissioners are hereby authorized to let any work on the roads and bridges out on contract, when in their judgment such work can be done so, to the advantage of the county. In awarding any work on the roads and bridges on contract, the same shall be let to the lowest bidder, after due notice for bids, based upon specifications and plans to be furnished by the Board of County Commissioners, and upon the contractor complying with such terms as to bond as the board may require. Provided, the Commissioners shall have the right to accept or reject all bids.

County Commissioners may contract with lowest bidder, require bond of contractor, etc.

Sec. 6. The Board of County Commissioners are hereby authorized to employ some suitable person or persons to be Superintendent of Roads and Bridges, who shall be under the control of the board, and the board shall prescribe rules and regulations for the government of such

County Commissioners may employ superintendent and prescribe rules.

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Right to re-
move Supt.
and fix his
compensa-
tion.

superintendent, and shall have the right to remove said superintendent at their pleasure for cause or dispense with his services upon thirty days notice. The amount of compensation to be paid the Superintendent of Roads and Bridges shall be fixed by the Board of County Commissioners.

Public roads
heretofore
established
under con-
trol of Coun-
ty Commis-
sioners.

Sec. 7. The public roads and bridges in said county heretofore established according to law or which may have become public by right of prescription, are hereby declared to be public roads and bridges, and under the control and management of the Board of County Commissioners.

Procedure in
the estab-
lishment of
new or
change of
old roads.

Sec. 8. Whenever the Board of County Commissioners shall determine to establish any new road or change any old road in said county, they shall proceed in the same manner, as is now provided by law for the establishment of new roads or the changing of old roads. The said

Right to ap-
propriate
any land or
material.

board shall have the right to appropriate any land or material necessary for the construction and repair of any road, and in case the owner of the land or material and the board shall not be able to agree as to the price paid or to be paid for the same, the board shall have the right to proceed to condemn the land or material required in the same manner now as is provided by law for the condemnation of the right of way and the appropriation of material.

May con-
demn land,
etc.

Tax levy for
road pur-
poses.

Sec. 9. The Board of County Commissioners are hereby authorized to levy, and said board shall levy a tax not to exceed five mills in any one year for road purposes, and the same, when collected, shall be paid over to the County Treasurer of Gadsden County, and by him kept in a separate fund, which fund shall not be expended for any other purpose than for work on the public roads and bridges in said county, and in paying the salary of the superintendent, and in providing the necessary material, tools, implements and teams for the work on said roads and bridges; Provided, however, that one-half of the amount realized from said special tax on the property in incorporated cities or towns shall be turned over to the municipal authorities of said cities or towns to be used in the repairing, working and maintaining the streets there

One-half of
tax on town
property to
be turned
over to town
to be used on
streets.

1907.

of, as may be required by the ordinances of said cities or towns.

Sec. 10. Every male person except those living in incorporated towns and cities, between the ages of eighteen and forty-five years, residing in said county for thirty days or longer, shall be required to work on the public roads and bridges of said county eight days in each year, when summoned, as is now required by law so to do, or in default thereof to pay eight dollars to said county as hereinafter provided. Said sum shall be paid to the sheriff of said county semi-annually as follows: Four dollars on or before the first Monday in June of each year, and four dollars on or before the first Monday in December of each year. Any person who shall fail to work on the roads when summoned and shall fail such sum to the sheriff of said county on or before the date aforesaid, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars or be sentenced to work at hard labor on the public roads of said county for not more than thirty days. The sheriff shall turn over to the Treasurer of said county the money collected from this tax, and by the Treasurer it shall be conveyed into said special fund provided for in Section 9 of this act. The officers aforesaid shall keep and use receipts provided by the Board of County Commissioners, which receipts shall be so made as to be detached from a stub upon which stub shall be entered a record of each transaction covered by the receipts given, and each of said officers shall deliver his stubs to the Board of County Commissioners for their inspection at each regular meeting of said board.

Persons subject to road duty.

Defaulter to pay fine of 8 dollars.

Pay fine to Sheriff, etc.

Penalty for failure to work roads.

Disposition of money collected from tax.

Officers to keep and use receipts.

Sec. 11. The Board of County Commissioners are hereby authorized and empowered to require all convicts confined in the county jail to labor upon the public roads and bridges of said county, or in the event that said convicts may be hired out under the provisions of law to contractors, then the money derived from the hire of said county convicts shall be paid to the County Treasurer and by him kept in the fund provided for in Section 9 of this act.

County convicts to work roads unless hired out, etc.

Sec. 12. The funds derived and paid into the separate fund provided in this act shall be divided by the Board of

Funds to be divided.

1907.

Basis of di-
vision of
funds.

County Commissioners into five parts. The basis of such division shall be the amount of county taxes paid upon taxable property in each road district, and the amounts so apportioned to said road districts from such fund provided for in Section 9 of this act shall be utilized exclusively for the building of new roads and bridges and the repairment of roads and bridges that are now established in said districts.

Road Com-
missioners to
make out
list of per-
sons subject
to road duty,
etc.

Sec. 13. It is hereby made the duty of each member of the Board of Road Commissioners to make out two lists annually of all male persons between the ages of eighteen and forty-five years, residing in each of said Commissioner's districts respectively, for thirty days or more; said lists shall be made up in duplicate on the first Monday in June and on the first Monday in December of each year, one of which lists shall be filed with the Board of County Commissioners, and the other with the Sheriff of said county. The Road Commissioner in each district furnishing such list shall be paid not exceeding five cents for each name reported, in the discretion of the Board of County Commissioners, which sum shall be paid by the county out of the road and bridge fund. The word "residing" as used in this section, shall be construed to mean actual residence in said county continuously for the period of thirty days.

Compensa-
tion for pre-
paring list.

Sec. 14. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Act effective
when ap-
proved by a
majority vote.

Sec. 15. This law shall become effective and operative only after having been submitted and approved by a majority vote of those voting at an election to be called by the County Commissioners of Gadsden County. Said election to be conducted as now provided by law for holding general elections.

Approved May 27, 1907.

LAWS OF FLORIDA.

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CHAPTER 5758—(No. 163).

1907.

AN ACT to Repeal Chapter 4774, Acts of 1899, as Amended by Chapter 4944, Acts of 1901, the Same Being "An Act To Provide for Working, Repairing and Maintaining the Public Roads and Bridges in Levy County, by Contracts, and to Provide Penalties for Failure Thereof, Approved April 27, 1899.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Chapter 4774, Acts of 1899, as amended ^{Repeal.} by Chapter 4944, Acts of 1901, the same being "An Act to provide for working, repairing and maintaining the public roads and bridges in Levy County, by contracts, and to provide penalties for failure thereof, approved April 27th. 1899, be and the same is hereby repealed.

Sec. 2. That this act shall take effect on the 31st day of December, A. D. 1907.

Approved May 15, 1907.

CHAPTER 5759—(No. 164).

AN ACT to Legalize and Validate All Warrants Heretofore Issued by the Board of County Commissioners of Marion County for Work and Materials in Constructing the Courthouse in Said County.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That all warrants heretofore issued by the Board of County Commissioners of Marion County, Florida, for work and materials in constructing the courthouse in Marion County, Florida, be and the same are hereby legalized and validated. County warrants of Marion County validated.

Sec. 2. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 7, 1907.

AN ACT to Ratify and Legalize the Action of the County Commissioners of St. Johns County, in Issuing County Warrants in the Sum of Thirty-two Thousand Dollars for the Completion of the Construction of a County Court House for Said County, and for Furnishing Said Court House, and Providing for Payment of Interest on Said Warrants.

Whereas, The County Commissioners of St. Johns County have issued county warrants in the sum of thirty-two thousand dollars for the completion of the construction of a county court house for said county and for the furnishing of the same, and have provided for the payment of legal interest on said warrants; Therefore

Be It Enacted by the Legislature of the State of Florida:

Acts of
County Com-
missioners
of St. Johns
County in
issuing cer-
tain war-
rants legal-
ized.

Section 1. That the action of the County Commissioners of St. Johns County in issuing county warrants for the sum of thirty-two thousand dollars, for the completion of the construction of a county court house for said county, and the furnishing of the same, and providing for the payment of legal interest on said warrants, be and the same is hereby ratified and legalized.

Sec. 2. This act shall take effect immediately after its passage and approval.

Became a law without the approval of the Governor.

CHAPTER 5761—(No. 166).

1907.

AN ACT to Authorize the County of St. Lucie, State of Florida, to Issue Bonds for the Purpose of Building Hard Surface Roads; for the Election of Bond Trustees; Imposing Penalties for the Violation of This Act, and for Other Purposes.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Board of County Commissioners of St. Lucie County, Florida, is hereby authorized and directed to call a special election in said county as soon as practicable after the passage and approval of this act, to vote for or against the issue of bonds by the County of St. Lucie, for the purpose of building hard surface roads in said county and for the election of road bond trustees, as hereinafter provided.

County Commissioners of St. Lucie County directed to call election to vote on bond issue for hard roads.

Provided, That should the Legislature at its regular session in 1907 appropriate funds or aid to the counties of the State for good roads, then the total amount of bonds issued shall be reduced by the amount that St. Lucie County shall benefit therefrom during the years 1907 and 1908.

Proviso.

Sec. 2. The amount of bonds to be issued under the provisions of this act shall not exceed one hundred and fifty thousand dollars (\$150,000.00). They shall be in denominations of one hundred dollars (\$100.00) to one thousand dollars (\$1,000.00) each, bearing interest at the rate of five per cent per annum, and fifteen per cent shall be redeemed in ten years, fifteen per cent in fifteen years, twenty per cent in twenty years, twenty-five per cent in twenty-five years and twenty-five per cent in thirty years.

Amounts, denominations and redemptions of and interest on bonds.

Sec. 3. Notice of such election shall be given by publication for eight successive weeks in some newspaper published in St. Lucie County. Said election shall be held as near as may be in compliance with general laws of the State of Florida regulating the holding of elections; and those persons, and only those persons, who were qualified to vote at the general election held next preceding said election and who own real estate or personal property

Notice and conduct of election and qualifications of electors.

1907.

in St. Lucie County and have paid the taxes thereon last due shall be qualified to participate in said election.

Duties of
Supervisor
of Registration.

Sec. 4. The Supervisor of Registration of said county shall prepare from the best information obtainable by him, the lists of the electors by election districts, who will be authorized to vote at such election and shall publish such lists at least four weeks before such election; and the Board of County Commissioners shall meet two weeks after the publication of such lists and give all persons an opportunity to be heard as to corrections of such lists, and shall add to and strike from such lists such names as the evidence may show to be necessary to make such lists contain all and only the names of electors entitled to vote at such election; and after completing the correction of such lists, the Board of County Commissioners shall cause such corrected lists to be published and the lists so corrected and published shall constitute the list of electors qualified to vote at such election.

County Com-
missioners
to correct
and publish
list, etc.

Manner of
electing
Bond Trustees.

Sec. 5. At such special election there shall be elected three road Bond Trustees who shall hold for the term of four years and until their successors are elected and qualified. One Trustee shall be a resident of School District No. 1; one Trustee shall be a resident of School District No. 2, and one Trustee shall be a resident of School District No. 3. Each elector may vote for three Trustees, but he shall not vote for more than one from each school district. The three candidates from the several school districts, respectively, receiving the highest number of votes, shall be declared elected. Said Trustees shall serve and perform the duties provided by this act, only in the event, that the election is in favor of the issue of the bonds herein provided for. Said Trustees, before entering upon their duties, shall give bonds in such sum each as will equal thirty-five per cent of the amount of money in hands of Trustees, the amount of bonds to be fixed from time to time by the Board of County Commissioners, and to be secured by some surety company, conditioned that each Trustee shall faithfully perform the duties and trusts confided in him and shall duly account for all such sums of money as may come to his hands by virtue of his trust, which said bonds shall be approved by the Board of County Commissioners, and the County Commissioners may from time to time, as circumstances may require, demand addi-

Trustees
shall give
bonds, etc.

tional security from any such Trustee. The cost of said surety company bonds shall be paid from funds in the hands of said Trustees.

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Sec. 6. The official ballot for said election shall be substantially as follows:

OFFICIAL BALLOT, SPECIAL ELECTION, ST.
LUCIE COUNTY, FLORIDA.

....., 1907.
Precinct No.....

.....
For the issue of Road Bonds.

.....
Against the issue of Road Bonds.
.....

FOR ROAD BOND TRUSTEES.

First School District—
Vote for one:

.....
John Roe.

.....
Richard Roe.

Second School District—
Vote for one:

.....
Thomas Jones.

.....
George Smith.

Third School District—
Vote for one:

.....
William King.

.....
James White.
.....

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Designation
of choice on
ballot.

Sec. 7. The voter shall make known his choice at such election by making a cross mark (X) on the official ballot in the space before the words "For Issue of Road Bonds," or "Against Issue of Road Bonds," as he is for or against the same; and a cross mark (X) before the candidates of his choice for Road Bond Trustees.

Place and
conduct of
elections;
canvass and
delivery of
returns, etc.

Sec. 8. Such election shall be held at the several precincts where the last general election was held in said county, and the County Commissioners shall appoint the inspectors of election for each precinct. Such election shall be conducted and the canvass of the returns made in the manner and within the time prescribed for general elections, except as in this act otherwise provided, and except that the returns shall be delivered to the Chairman and Clerk of the Board of County Commissioners instead of the Supervisor of Registration and County Judge, and that the Board of County Commissioners shall canvass the returns, declare the result and cause the same to be recorded in their minutes.

Result of
election to
govern.

Sec. 9. If it shall appear by the returns of said election that a majority of the votes cast in said election shall be "For Issue of Road Bonds," the County Commissioners shall be authorized and required to issue such bonds; but if the majority of the votes shall have been "Against Issue of Road Bonds," no bonds shall be issued.

County Com-
missioners to
give notice
for receiving
bids for pur-
chase of
bonds.

Sec. 10. In case the issuing of bonds shall be authorized by the result of such election, the County Commissioners shall cause notice to be given by publication in a paper in the county that they will receive bids for the purchase of said bonds at the Clerk's office on or before the expiration of thirty days from the first publication of such notice. The notice shall specify the amount of bonds offered for sale, the rate of interest and the time when the principal and installments of interest shall be due and payable. Any and all bids may be rejected if the Commissioners shall deem it for the interest of the county so to do, and they may cause a new notice to be given in like manner, inviting other bids for said bonds; Provided, That such bonds shall not be sold for less than ninety-five cents on the dollar, and in current money of the United States.

Right to re-
ject bids.

Proviso.

Sec. 11. The County Commissioners may require a

1907.

all bidders for said bonds that they give security by bond running to the County Treasurer with sureties that the bidder will comply with the terms of the bid, and any bidder whose bid shall be accepted shall, with his sureties, be liable to the county for all damages on account of the nonperformance of the terms of his bid. All bids for bonds shall specify the amount of bonds paid for, and the time when the bidder will comply with his bid. The County Commissioners may prescribe the form of the bonds to be issued. The proceeds of all bonds sold shall be paid over to the Road Bond Trustees to be used by them for the purpose of building hard surface roads in the manner in this act provided; Provided, That no money shall be expended by the Road Bond Trustees except upon the public roads of the County of St. Lucie, and for the purposes provided in this act.

Bidders to give security

Form of and proceeds of bonds.

Proviso.

Sec. 12. The Road Bond Trustees shall pay over to any incorporated towns through which trunk lines shall pass an amount of money sufficient to build the portion of such road passing through such incorporated towns of same width and character as balance of trunk lines.

Roads through cities and towns.

Sec. 13. It shall be the duty of the Board of County Commissioners to provide for the location of the roads and parts of roads to be built, constructed, or improved under the terms of this act.

County Commissioners to locate roads.

Sec. 14. It shall be the duty of the County Commissioners to levy annually, by tax upon the taxable property in the county, a sum sufficient to meet the amount annually required to be raised as a sinking fund to meet the principal of the bonds, which sinking fund shall be provided for by resolution of the Board of County Commissioners before the issuing of any of the said bonds.

Tax levy to meet sinking fund.

Sec. 15. It shall be the duty of the said Road Bond Trustees immediately upon their election and qualification, in case the election is for the issue of bonds, to organize by electing a Chairman and a Secretary from their own number, and their meetings shall be public, and they shall keep minutes of their proceedings. It shall be their duty to cause to be constructed a good hard surface road running the full length of the county from north to south and a good hard surface road running west from Fort Pierce and a good hard surface road running west

Organisation and meetings of Trustees.

Duties of Trustees.

1907.

from White City Station to the bridge across St. Lucie river at White City, and such other roads as in their discretion they deem necessary. They shall have entire charge and supervision of this work and may in their discretion employ a competent road expert or engineer to assist them, at a salary of not to exceed two hundred dollars (\$200.00) per month, and such inspectors as they deem necessary. All work shall be done by contract, and no road or part of road shall be built, constructed or repaired, or any work done or performed thereon, until the same shall have been let to the lowest and most responsible bidder upon advertisement published in some newspaper for the space of thirty days prior to such letting, and the Road Bond Trustees shall cause such publication to be made upon specifications for such purpose and shall at public meeting pass upon all bids and proposals for the performance of such work and letting the same, as is herein provided, and at any such letting shall require from the contractor or contractors performing such work, sufficient bonds or other security for its faithful performance according to the specifications and contract to be entered into in that regard; Provided, That in case the Trustees do not receive satisfactory bids for the road work, that they may at their discretion and with the consent of the County Commissioners be authorized to purchase such machinery as deemed best and let the work by contract.

Compensation of Trustees.

Sec. 16. Said Road Bond Trustees shall be allowed from the proceeds of the bonds three dollars (\$3.00) per day for such time actually engaged in the work, and expenses, said expenses to be approved by the Board of County Commissioners.

No Trustee shall become personally interested.

Sec. 17. No Road Bond Trustee shall be or become personally interested in any contract let for or concerning any road or work done, performed, or to be done or performed for said county, or in the sale or furnishing of any material or labor for such work, or any part thereof, or shall directly or indirectly be or become personally interested therein, or have or receive any commission, fee or gratuity in regard thereto, and any such person violating any provision of this section shall, upon conviction thereof, be punished by fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one year, or both, in the discretion of the court.

Penalty.

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Sec. 18. The said Road Bond Trustees shall quarterly, on such day as may be required by the Board of County Commissioners, render a report to the said Board in which they shall state the amount of money received and for what purposes and from what sources, severally and when received, and where and how the same has been invested, and enumerating the kind and amount of securities held therefore, describing the same separately, and such other matters as may be required by the Board in order to a full understanding; and said Road Bond Trustees shall also make a full, complete and detailed report showing the amount of road work done, and the mileage, width, material of which built, and cost of each road or part of road built. Said reports shall be published in some newspaper printed in St. Lucie County.

Trustees shall report to the County Commissioners, etc.

Shall publish reports.

Sec. 19. All money collected to pay the interest, or for the sinking fund, of said bonded debt, shall be paid over by the Tax Collector, or other person receiving the same, on account of taxes collected or property sold therefor to the said Road Bond Trustees, and the said Trustees are required to pay out of the money so received the interest of said county bonds and to invest the residue in the bonds aforesaid, or in bonds or banks or trust company paying interest, to be held as an accumulating fund for the ultimate redemption of said bonds.

Disposition of money collected to pay the interest or sinking fund.

Sec. 20. The said Road Bond Trustees, or either of them, may resign at any time by communication in writing to the Board of County Commissioners, and any one or more of said Road Bond Trustees may be removed for sufficient cause by the Judge of the Circuit Court upon petition signed by any bond holder or tax payer, setting forth the cause of complaint, but no Trustee shall be removed without notice and an opportunity to be publicly heard, unless it appears that the accused Trustee has absented himself so that notice could not be served.

Removal and resignation of Trustees.

Sec. 21. In all cases where vacancies shall occur, they shall be filled from the district where the vacancy occurs by nomination of the Road Bond Trustees and the confirmation of the Board of County Commissioners, and in case the said Road Bond Trustees do not, within fifteen days after the written notice of the existence of such

The filling of vacancies.

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1907.

vacancy, appoint a suitable person to fill such vacancy; the Board of County Commissioners shall elect a suitable person to fill such vacancy from such district where the vacancy occurs.

Contest of
election.

Sec. 22. Any person dissatisfied with the announcement of the County Commissioners of the result of said election herein provided to be held, shall have the right within thirty days after such announcement is made, to test by suit for injunction, filed within thirty days after such announcement, the right of the County Commissioners of St. Lucie County to issue the bonds proposed to be issued; but no contest of such election and no question as to the validity or legality of such bonds or the sufficiency of the proceedings whereby the issuance of such bonds have been authorized shall be made or raised in any proceeding instituted more than thirty days after the making of such announcement; and the issuance of such bonds, unless enjoined by said proceedings instituted within thirty days from the making of such announcement, shall stand in all respects as valid and legal, and the bonds so issued, regardless of any irregularities in the proceedings, when signed as in this act provided, by the Chairman and the Clerk of the Board of County Commissioners and delivered to the purchasers, shall constitute a valid claim and bond against the County of St. Lucie, for the payment of which both principal and interest, according to the terms of said bonds, shall stand pledged all the taxable property within St. Lucie County.

In case
Trustees are
adjudged
illegal officers
under
the Constitution
or
Laws of the
State.

Sec. 23. If in any judicial proceeding it is adjudged or decreed by a court of competent authority that the Board of Bond Trustees herein provided for are not legal officers under the constitution and laws of the State of Florida, then this judgment or decree shall not affect the legality and validity of the bond issue herein provided for; and the Board of County Commissioners shall proceed under the general law to appoint the Trustees provided for in said general law, who shall perform the duties as provided in said general law, and the Board of County Commissioners shall expend the proceeds of said bonds for the purposes provided in this act as if said bonds were issued under said general law.

Sec. 24. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 25. This act shall take effect immediately upon its passage by the Legislature and approval by the Governor.

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Approved June 3, 1907.

CHAPTER 5762—(No. 167).

AN ACT for the improvement of the Public Roads and Bridges in Volusia County, Providing for the Employment of Convicts Under Certain Conditions and for the Levy and Collection of a Road and Bridge Tax, and the Means of Its Expenditure.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The Commissioners of the County of Volusia, in this State, shall at their regular meeting in July, 1907, and biennially thereafter, elect a County Superintendent of Roads and Bridges to serve for two years. They shall fix the amount of the bond to be given by said Superintendent, and the amount of salary to be paid for his services, and it shall be their duty to remove the superintendent for neglect of duty, incompetency or conduct detrimental to the public service.

County Commissioners to elect Supt. of roads, fix his bond and salary, etc.

Sec. 2. All the roads and bridges shall be constructed and repaired according to plans, specifications and rules adopted by the County Commissioners; said board shall also fix the maximum rate of wages to be paid each class of labor employed by the County Superintendent of Roads and Bridges. Necessary road working machinery and material shall be purchased by the Board of County Commissioners and paid for out of the road and bridge fund.

County Commissioners to make specifications, fix wages, purchase material, machinery, etc.

Sec. 3. No member of the Board of County Commissioners, clerk or other employee of any department of the public service of the county shall serve as an agent for the sale to the county of any road working machinery, tools or material, or for any interest direct or indirect in any profit which may arise from such sale, under penalty of dismissal from the service or office.

No servant of the county shall act as agent, etc.

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Duties of Superintendent of roads and bridges.

Sec. 4. The Superintendent of Roads and Bridges shall have the supervision of the construction and repair of all public roads and bridges in the county under written directions and specifications of the County Commissioners. He shall employ the necessary labor, giving preference to citizens of the county; he shall have charge of all road and bridge material, tools, machinery and all road working property owned by the county; he shall give bond for the proper discharge of his duties and the safety and care of all county property under his charge. The superintendent shall keep a book in which he shall record in detail all public work done in his department, the kind and location of the work, when and by whom done. He shall make out a monthly report showing the details above enumerated and the amount of wages due each employee in his department. He shall file said report with the Clerk of the Board of County Commissioners in time for the first regular meeting of the County Commissioners thereafter. The superintendent shall certify under oath the correctness of his report. The County Commissioners shall audit the same and provide for the payment from the road and bridge fund of the several claims due; Provided, that nothing contained in this act shall be construed to prohibit the County Commissioners of said county from having any public road worked by contract or any bridge erected or repaired under the existing State laws.

Auditing report.

Proviso.

Tax levy.

Collection of tax.

For what purpose expended.

Plans, specifications, bids and contracts.

Sec. 5. The Board of County Commissioners of said county, shall, at the time for levying taxes for county purposes, levy a tax for public roads and bridges, not exceeding six mills on the dollar on all the real and personal property in the county subject to taxation, which shall be assessed and collected as other taxes of the county, and the moneys arising therefrom shall be paid into the County Treasury to be expended solely by the County Commissioners for the purpose of providing for the laying out, constructing and maintaining public roads and bridges and procuring all things necessary thereto.

Sec. 6. That when found necessary to construct or repair any bridge or road and it is deemed best to have the same done by contract, the County Commissioners shall prepare upon the plans and specifications, after which bids may be invited by publication for the material or work to be done, and the bid or bids approved by the County Commissioners.

1907.

missioners shall be accepted and the contract entered into with the bidder.

Sec. 7. Whenever it shall be necessary to take any land for a public road or to use forest timber, unworked stone, or any other road or of bridge material, the County Commissioners may proceed to condemn the same as provided by law for proceeding in eminent domain, and the judgment therein, if paid, shall be paid from the road and bridge fund.

May condemn lands and material by proceedings in eminent domain.

Sec. 8. That the County Commissioners of said county are hereby authorized to employ on the public roads of the county all male convicts under sentences to imprisonment in the county jail; they are authorized to provide for the feeding, guarding and safe keeping of such prisoners and to make and enforce such rules as may be necessary to insure their efficiency and safe keeping. When employed on the public roads the prisoners shall be under the control and direction of the County Superintendent of Roads and Bridges, who, with all guards and foremen over the convicts having been duly sworn shall have the same police powers as deputy sheriffs.

May employ county convicts.

Sec. 9. That it shall be the duty of the judges holding court in said county to sentence to imprisonment and hard labor on the public roads any person convicted of a crime in said county, the penalty for which is imprisonment in the county jail. That it shall be the duty of the sheriff of said county to deliver to the Superintendent of Public Roads and Bridges of said county all male convicts sentenced to imprisonment in the county jail.

Duty of County Judge and Sheriff as to convicts.

Sec. 10. That all acts or parts of acts in conflict with this act be and the same are hereby repealed.

Sec. 11. That this act shall take effect upon its passage and approval by the Governor.

Approved May 22, 1907.

LAWS OF FLORIDA.

CHAPTER 5763—(No. 168).

AN ACT to Repeal Chapter 3933 of the Laws of Florida. Entitled, "An Act to Organize a County Court in and for the County of Brevard, to Prescribe its Jurisdiction and Powers, to Provide for the Appointment of a Prosecuting Attorney, and for the Compensation of the Judge of Said Court."

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Chapter 3933 of the Laws of Florida. approved May 18th, 1889, be and the same is hereby repealed and that the County Court organized and provided for therein, be and the same is hereby abolished.

Powers and
authority of
courts in
Brevard
County.

Sec. 2. That all suits pending and undetermined in said court at the time this act shall go into effect, and all judgments of said court unsatisfied shall be transferred by the clerk of the said county court to the court having jurisdiction of said causes, and such courts shall have the power to try and determine said causes and issue executions upon all judgments recovered therein or hereby transferred to said courts, and to do all things necessary and proper for a complete determination of said causes.

Sec. 3. That this act shall take effect thirty days after its passage and approval by the Governor.

Approved May 22, 1907.

AN ACT to establish a Criminal Court of Record in the County of Dade.

Whereas, it is made to appear that a majority of the registered voters of the County of Dade, in the State of Florida, have applied for the establishment of a criminal court of record in said county.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That a criminal court of record be and the same is hereby established in and for the county of Dade. ^{Establishment.}

Sec. 2. The seal of said court shall be prescribed and furnished by the County Commissioners of said county. ^{Seal.} and the said court shall be designated as "The Criminal Court of Record of Dade County."

Sec. 3. The time for holding the terms of said court shall be as follows: ^{Terms.}

The third Tuesday in January, the third Tuesday in March, the third Tuesday in May, the third Tuesday in July, third Tuesday in September, and third Tuesday in November.

Sec. 4. The first term of said court shall be held on the third Tuesday in September, 1907. ^{First term.}

Sec. 5. This act shall take effect and be in force from and after the 15th day of June, 1907.

Approved June 3, 1907.

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CHAPTER 5765—(No. 170).

AN ACT to Amend Sections 4, 5 and 17 of Chapter 3735 Laws of Florida, Entitled "An Act to Establish a Criminal Court of Record in the County of Escambia Prescribing its Jurisdiction and Powers and Regulating Its Proceedings, and Providing for the Judge and the Officers Thereof," Approved May 31, 1887.

Be it Enacted by the Legislature of the State of Florida

Section 1. That Section 4 of said act be and the same is hereby amended to read as follows:

To have certain powers as Circuit Courts.

Sec. 4. The said court shall have and exercise the same power in issuing warrants, attachments and summons as is had and exercised by the circuit courts of this State in criminal cases; all such process shall run throughout the State and shall be executed in the same manner and by the same officers as the process of the circuit court is executed.

Sec. 2. That Section 5 of said act be and the same is hereby amended to read as follows:

Rules of procedure.

Sec. 5. The same rules of procedure and practice that obtain in the trial of criminal cases in the circuit court shall obtain in this court.

Sec. 3. That Section 17 of said act be and the same is hereby amended to read as follows:

Peremptory challenges.

Sec. 17. On the trial of all felonies in this court each prisoner shall have five peremptory challenges and the State five, whether there be one or more defendants, and in misdemeanors each prisoner shall have three peremptory challenges and the State three, whether there be one or more defendants.

Sec. 4. All laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Sec. 5. This act shall take effect upon its passage and approval by the Governor.

Approved May 18, 1907.

AN ACT to Authorize and Establish a County Court in and for Jackson County, Florida, and Prescribe the Terms Thereof.

Be it Enacted by the Legislature of the State of Florida :

Section 1. That there be, and is hereby, organized in and for Jackson County, Florida, a County Court, which shall be designated as "The County Court of Jackson County, Florida," and which shall be a Court of Record. Establishment.

Sec. 2. The terms of the Court shall commence respectively, on the second Monday in January, the second Monday in April, the second Monday in July, the second Monday in October, and that the first term of said Court shall begin on the second Monday in October, A. D. 1907. Terms of court.

Sec. 3. All suits within the jurisdiction of the County Court, pending in the Circuit Court of Jackson County, Florida, shall be transferred to the County Court, and the Clerk of the Circuit Court is hereby directed to deliver forthwith to the Clerk of the County Court all papers, files and copies of all records in any and all of said suits. Certain suits in Circuit Court transferred to County Court

Sec. 4. All suits within the jurisdiction of the County Court pending before the Justice of the Peace in and for said County of Jackson, and State of Florida, or any of them, shall be immediately transferred to the County Court for further adjudication in said Court. Certain suits before the J. of P. transferred.

Sec. 5. The salaries of the officers of the County Court of Jackson County, Florida, shall be the same as are now provided by law. Salaries of officers.

Sec. 6. This act shall not go into effect unless it shall be ratified by a majority vote of the electors voting at an election to be held for that purpose of determining whether or not this act shall become operative in said county; and provisions shall be made for calling such election immediately after the passage and approval of this act. Subject to a majority vote.

Approved June 7, 1907.

AN ACT to Organize a County Court in and for the County of Lafayette; to Prescribe the Terms Thereof; and to Provide for the Appointment of a Prosecuting Attorney, and for his Compensation, and for that of the Judge of Said Court.

Be it Enacted by the Legislature of the State of Florida:

Establish-
ment.

Section 1. That there be and is hereby organized a County Court in and for Lafayette County, Florida.

Seal, etc.

Sec. 2. The said court shall be a Court or Record, with a seal to be provided, approved, paid for, and an impression thereof deposited, as are seals of the Circuit Courts; and said court shall be designated "The County Court of Lafayette County, Florida."

Jurisdiction
and authori-
ty.

Sec. 3. Said court shall have and exercise such powers, jurisdiction and authority as is now or may hereafter be provided by law for such courts.

Salary and
fees of
Judge.

Sec. 4. The Judge of said Court shall receive a salary of three hundred (\$300.00) dollars per annum, to be paid quarterly by the Treasurer of the county, upon a warrant from the Board of County Commissioners, and a fee of three (\$3.00) dollars for each case docketed in said court, to be taxed and paid as other costs in said court.

Appoint-
ment, salary
and fees of
Prosecuting
Attorney.

Sec. 5. The first Prosecuting Attorney of said court, prior to the general election in nineteen hundred and eight, shall be appointed by the Governor, and his salary shall be three hundred (\$300.00) dollars per annum, to be paid in the same manner as that of the Judge of said court, and a fee of five (\$5.00) dollars for each conviction, to be paid by the county, if the party convicted is insolvent.

Terms of
court.

Sec. 6. The said court shall hold four terms in each year, to be held as follows: Second Tuesday in January; second Tuesday in April; second Tuesday in July, and second Tuesday in October. Provided, That the first term of said court shall be held on the second Tuesday in July A. D. 1907.

Sec. 7. The same rules of practice and pleading and rules of evidence and rule days of the Circuit Court shall govern the practice in said County Court.

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Rules of court, etc.

Sec. 8. All suits within the jurisdiction of said County Court, pending in the Circuit Court of Lafayette County Florida, when this act becomes a law, are hereby transferred to the County Court, and the Clerk of the Circuit Court is hereby directed to deliver to the Clerk of the County Court, all papers, files and copies of records in any and all of said suits.

Transfer of suits from Circuit Court.

Sec. 9. All suits within the jurisdiction of said County Court, pending before the Justices of the Peace in and for said County of Lafayette, Florida, or any of them, when this act becomes a law, are hereby transferred to the County Court; and the Justices of the Peace are hereby directed to deliver to the Clerk of the County Court, all papers, files and copies of records in any and all of said suits pending before them, or any of them.

Transfer of suits from J. of P. Courts.

Sec. 10. This act shall take effect on the fifteenth day of June A. D. 1907.

Approved May 7, 1907.

CHAPTER 5768—(No. 173).

AN ACT to Legalize the Election Held on the 28th day of December, A. D. 1906, in the County of Manatee to Determine by a Majority Vote of the Duly Qualified Electors of said County, Whether or Not a County Court Should be Established in said County, Pursuant to Chapter 5566 of the Laws of Florida, Acts A. D. 1905, and to Render Valid said Election and the Result as Shown by the Returns Thereof, and to Declare Legal and Valid the County Court Established and Organized in Manatee County by said Election.

Whereas, By an act duly passed by the Legislature of the State of Florida and approved June 6th A. D. 1905. being Chapter 5566 of the Laws of Florida, entitled "An act to organize a County Court in and for the

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county of Manatee and to provide for the appointment of a Prosecuting Attorney for said court," it was provided that no court should be established under said act, unless and until the question of whether or not there should be a County Court in said county of Manatee should be submitted to the qualified electors of said county and a majority of the votes cast at such election should be in favor of the establishment of such court. and,

Whereas, The Board of County Commissioners of said Manatee County, designated the 28th day of December. A. D. 1906, as the time for holding an election under the terms of said act and notice of such election was given by the sheriff of said county for the time and in the manner prescribed by law in cases of general election, and,

Whereas, It is important that no question arise as to the validity of said election or as to the legality of the County Court in and for the County of Manatee, established by said election pursuant to the terms of said Chapter 5566, Laws of Florida; therefore,

Be it Enacted by the Legislature of the State of Florida:

Election validated.

Section 1. That the said election held on the 28th day of December, A. D. 1906, under and pursuant to the provisions of Chapter 5566 Laws of Florida, Acts A. D. 1905, for the purpose of deciding whether or not a County Court should be established in Manatee County, Florida, is hereby legalized and declared to be valid in every respect.

Court established, etc.

Sec.2. That the County Court in and for Manatee County established by said election is hereby declared to be a legally created, organized and constituted court and the said County Court shall not be held illegal on account of any irregularity, illegality or defect whatsoever in any proceedings had or taken for the establishment of the same, and all irregularities, illegalities, omissions and want of power in any proceeding relative thereto are hereby cured.

Sec. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall take effect immediately after its passage and approval by the Governor.

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Approved May 2, 1907.

CHAPTER 5769—(No. 174).

AN ACT to amend Section 3 of Chapter 5566 of the laws of Florida, entitled "An act to organize a County Court in and for the County of Manatee and to provide for the appointment of a Prosecuting Attorney for said court."

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 3 of Chapter 5566, be and the same is hereby amended so as to read as follows: "Section 3. There shall be held at the county seat of said county four terms of said court in each year; terms beginning respectively on the second Monday in January, the second Monday in April, the second Monday in July and the second Monday in October of each year."

Terms of court of County Court of Manatee County.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 4. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 25, 1907.

CHAPTER 5770—(No. 175).

AN ACT to Organize and Establish a County Court in and for the County of Osceola, and Prescribing the Terms Thereof.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That there be and is hereby organized and established a County Court in and for the County of Osceola.

Establishment.

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Terms of
Court.

Sec. 2. The terms of said court shall commence respectively on the second Monday in January, the second Monday in April, the second Monday in July and the second Monday in October of each year; Provided that the first term of said court shall commence on the second Monday in July A. D. 1907.

First attorney to be appointed.

Sec. 3. The first Prosecuting Attorney of said County Court, until his successor shall be duly elected at the general election of 1908, shall be appointed by the Governor.

Transfer of suits from Circuit Court.

Sec. 4. All suits within the jurisdiction of the County Court pending in the Circuit Court of said Osceola County when this act becomes operative, are hereby transferred to the County Court, and the Clerk of the Circuit Court in and for said county is hereby directed to transfer to said County Court of which he is ex-officio clerk under statute forthwith all papers, files and copies of all records in any and all of said suits.

Sec. 5. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 22, 1907.

CHAPTER 5771—(No. 176).

AN ACT to establish a Criminal Court of Record in Suwannee County, State of Florida.

Be it Enacted by the Legislature of the State of Florida:

Establishment.

Section 1. That there be and is hereby established a Criminal Court of Record in the County of Suwannee.

Seal, etc.

Sec. 2. That said court shall be a Court of Record, with a seal, to be prescribed and furnished by the County Commissioners, and shall be designated as "The Criminal Court of Record of Suwannee County, Florida."

Jurisdiction.

Sec. 3. Said court shall have jurisdiction to try and determine all violations of the criminal laws of the State of Florida, not punishable by capital punishment, which arise in said county.

There shall be held at the county seat six terms of said court in each year, and beginning respectively, on the second Monday in February, the second Monday in April, the second Monday in June, the second Monday in August, the second Monday in October and the second Monday in December. The Judge of said court shall have the power to call such special terms as the business of the said court may require.

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Terms of court.

Special terms.

Sec. 4. Said court shall have and exercise the same power in issuing warrants, attachments and summons as is now had and exercised by the Circuit Courts in this State in criminal cases. All such process shall run throughout the State and shall be executed in the same manner and by the same officers as the process of the Circuit Court is now executed.

Certain powers same as Circuit Courts.

Sec. 5. The same rules of procedure and process which now obtain in the trial of criminal cases in the Circuit Court, shall obtain in this court.

Rules.

Sec. 6. There shall be a Judge of said court, appointed by the Governor and confirmed by the Senate. The term of office shall be for four years, and the salary one thousand dollars per year, to be paid quarterly, by the county.

Salary and appointment of Judge.

Sec. 7. The said Judge shall have the same powers, duties and obligations in the administration of the criminal laws, as are now exercised by, and imposed upon, the Judge of the Circuit Court.

Powers, etc., of Judge.

Sec. 8. There shall be a Prosecuting Attorney for said county to be designated the County Solicitor, who shall be appointed by the Governor and confirmed by the Senate. The term of office shall be for four years, and the compensation twelve hundred dollars per annum, to be paid quarterly by the county. The powers and duties of said County Solicitor shall be the same as those now exercised by and imposed upon the State's Attorney, except as hereinafter provided.

Appointment, term, salary, powers and duties of attorney.

Sec. 9. The County Solicitor is hereby allowed the process of this court to compel the attendance of witnesses before him in or out of term, at such convenient times and places as may be designated in the summons, to testify before him as to any violation of the criminal laws upon which they may be interrogated, and writs of at-

Authorities and powers of Solicitor.

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tachment or summons for such witnesses shall at any time be issued from said court, upon written order of the County Solicitor filed with the clerk. The County Solicitor is authorized to administer oaths to all witnesses summoned by the process of this court.

Prosecutions
and rules.

Sec. 10. All offenses triable by this court shall be prosecuted upon information filed by the County Solicitor under oath; and the same rules of pleading and practice as now obtain in trials upon indictment shall obtain in trials upon information.

Election,
powers, du-
ties and
compensa-
tion of Clerk.

Sec. 11. There shall be a Clerk of said court, who shall be elected by the qualified electors of the county at the same time, and in the same manner, as the general election is held in said county, once every four years. Such Clerk shall be the custodian of the dockets, books and papers of said court and shall have the same powers, duties and obligations now exercised by, or imposed upon the Clerk of the Circuit Court in Criminal matters. His compensation shall be by fees, and the same as is now allowed the Clerk of the Circuit Court for services of a like character, and shall be paid by the county when the defendant is insolvent, as provided by law in other criminal cases.

Vacancy.

Sec. 12. In case of any vacancy in the office of the Clerk of this Court, by death, resignation, removal, or otherwise, or by reason of there being no election at which said Clerk could be elected, then and in that case the Governor shall appoint a Clerk to hold said office until the same can be filled by election.

Powers, du-
ties and
compensa-
tion of Sher-
iff.

Sec. 13. The Sheriff of the county shall be the executive officer of this court, and his powers, duties and obligations the same as those of the Sheriff while acting as the executive officer of the Circuit Court. His compensation shall be in fees and the same as now allowed by law for like services performed in the Circuit Court; such fees shall be paid by the county when the defendant is insolvent, as is now provided by law in other criminal cases.

Jurors and
witnesses.

Sec. 14. The same law regulating the drawing, summoning and impaneling the petit jurors that obtain in the Circuit Court shall obtain in regulating the drawing, summoning and impaneling the jurors in this court.

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except that only twelve jurors shall be drawn to serve as the jury for said court for any one week thereof, or for any special term of said court, and except that the jurors for the first week of any term of this court shall be drawn not less than four days prior to the first day of said court. The jurors and witnesses in said court, as well as the witnesses summoned to appear before the County Solicitor, shall receive the same fees as jurors and witnesses in the Circuit Court and be paid in the same manner.

Fees.

Sec. 15. When the estreatment of any bond for the appearance of persons charged with crime before this court shall be perfected, the County Solicitor shall report the same and transfer the papers together with said bond to the Clerk of the Circuit Court, who shall give his receipt for the same, and said bond shall be collected as is now provided by law.

Bond estreatment.

Sec. 16. All pleadings or writs of error prosecuted from the judgments of this court, whether to the Circuit Court or Supreme Court, shall be prosecuted in the same way and according to the same rules as govern such proceedings from the Circuit Court to the Supreme Court in criminal cases.

Pleadings or writs of error.

Sec. 17. On the trial of all felonies in this court each prisoner shall have five peremptory challenges and the State five, whether there be one or more defendants, and on the trial of all misdemeanors each prisoner shall have three peremptory challenges and the State three, whether there be one or more defendants.

Peremptory challenges.

Sec. 18. All trials upon information in this court shall be by a jury of six qualified jurors.

Trials by jury.

Sec. 19. All cases pending in Circuit Court of Suwannee County at the time this act shall take effect and become operative, and of which this act confers jurisdiction upon this court, shall be transferred at once by the Clerk of the Circuit Court to this court, transmitting at the same time to the Clerk of this court all papers connected with such cases; and the County Solicitor shall proceed with the prosecution of the same in accordance with the provisions of this act.

Transfer of cases from Circuit Court

Sec. 20. Upon the entry of final judgment against each

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Cost.

and every person convicted of a misdemeanor in this court there shall be taxed as cost against him a conviction fee of five dollars, and upon the entry of final judgment against each and every person convicted of a felony in this court there shall be taxed as cost against him a conviction fee of ten dollars, to be paid in like manner with other criminal costs are paid.

Sec. 21. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved May 7, 1907.

CHAPTER 5772—(No. 177.)

AN ACT to Organize and Establish a County Court, and for Taylor County, Florida, and to Prescribe the Terms Thereof, and for Calling of Special Terms of Said Court; the Transfer of Causes from Other Courts and Matters Pertaining Thereto.

Be It Enacted by the Legislature of the State of Florida:

Establishment.

Sec. 1. That there be and is hereby organized a County Court, in and for Taylor County, Florida, which shall be designated as the "County Court of Taylor County, Florida," and which shall be a Court of Record.

Terms of court.

Sec. 2. The terms of said court shall commence respectively on the second Monday in January, the second Monday in April, the second Monday in July, and the second Monday in October in each and every year; Provided, That the first term of said court shall commence on the second Monday in July, 1907; And Provided, further, That whenever it may seem expedient and necessary and proper to the Judge of said court, he may call a special term of said court upon one week's notice, posted at the door of the court house of Taylor County, Florida, to try any cases or cases that he may think proper or that may be then pending in said court.

Transfer of cases from Circuit Court

Sec. 3. All suits within the jurisdiction of the County Court pending in the Circuit Court of Taylor County

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Florida, when this act becomes law, are hereby transferred to the County Court; and the Clerk of the Circuit Court is hereby directed to deliver forthwith to the Clerk of the County Court, all papers, files and copies of all records in any and all of said suits.

Sec. 4. All suits within the jurisdiction of the County Court pending before the Justices of the Peace in and for the said County of Taylor, Florida, or any of them, are hereby transferred to the County Court; and the Justices of the Peace are hereby directed to deliver forthwith to the Clerk of the County Court all papers, files and copies of all records in any and all of said suits so pending before them or any of them.

Sec. 5. This act shall not go into effect until it is ratified by the people of Taylor by a majority vote at any election to be held for that purpose to determine this question.

Sec. 6. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 7. This act shall become a law when approved by the Governor.

Approved June 3, 1907.

CHAPTER 5773—(No. 178).

AN ACT to Allow Fishing with Seines in Certain "Dead" or "Wet Weather" Lakes in the Northern Part of Brevard County.

Whereas, There are in the northern part of Brevard County certain shallow lakes or ponds connected in the wet season by runs with the St. Johns River, which lakes or ponds become so dried out in the spring and summer as to cause the fish in them to die and become food for buzzards; and

Whereas, Such fish might be taken in said dry seasons and so become a source of profit to the people instead of a total loss; Therefore

Be It Enacted by the Legislature of the State of Florida:

Sec. 1. That it shall be lawful to take food fish with

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seines or nets in all those certain "dead" or "wet weather" lakes or ponds in the northern part of Brevard County, during the dry season of each year, to-wit, from April 1st to September 1st of each year.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This act shall take effect immediately on its passage and approval by the Governor.

Approved May 7, 1907.

CHAPTER 5774—(No. 179).

AN ACT to Prohibit the Catching of Any Fish or Fishing in the Waters of the Lake Known as Lake Butler, in Bradford County, Florida, With Any Trap, Seine, Net or Other Device, Except Hook and Line, and Providing a Penalty for the Violation Hereof.

Be It Enacted by the Legislature of the State of Florida:

Penalty for fishing in Lake Butler in any way other than with hook and line.

Section 1. That from and after the passage of this act it shall be unlawful for any person or persons to catch any fish or to fish in the waters of the lake known as Lake Butler, in Bradford County, Florida, with any trap, seine, net or any other device, except hook and line; and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than five nor more than fifty dollars or by imprisonment in the county jail not less than ten nor more than sixty days, or by both such fine and imprisonment within the discretion of the court.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved June 3, 1907.

**AN ACT for the Preservation of Wild Turkeys and Quail
in Clay County, Florida.**

Be It Enacted by the Legislature of the State of Florida:

Section 1. That no person, resident or non-resident shall hunt or kill within Clay County, Florida, except on his own inclosed premises, any wild turkey, quail or partridge, save only two days in each week during the period from the first day of November to the first day of March of any year. Shall not hunt quail or partridge except two days of each week of certain period.

Sec. 2. That any person acting as a guide and taking out hunting parties or individuals must first apply to the Clerk of the Circuit Court of Clay County for a license as such guide and upon payment of ten (\$10.00) dollars, together with the Clerk's fee of fifty (50c) cents the Clerk shall issue a permit for him to act as such guide, for the season he applies, and all moneys collected as provided for in this section shall be paid by the Clerk to the County Treasurer for the use of the fine and forfeiture fund. Every guide taking out hunting parties or individuals must first know that all such persons have purchased a hunting license in that county for that season, but he must not personally hunt or shoot save only for the two days in each week. License of guide for hunters, fees, etc.

Sec. 3. Any person or persons violating any of the provisions of this act shall be punished under Section 3752 of the General Statutes of the State of Florida. Penalty.

Sec. 4. This act to take effect upon its passage and approval by the Governor.

Approved May 25, 1907.

LAWS OF FLORIDA.

CHAPTER 5776—(No. 181).

AN ACT for the Protection of Deer, Wild Turkey, Quail or Partridge, Doves and Wild Ducks; Providing for a Hunting Season; Providing for the Appointment of a Game Warden or Wardens; Prescribing His Duties and Powers in the County of Hernando; and Prescribing Penalty for the Violation of the Provisions of the Same.

Be It Enacted by the Legislature of the State of Florida:

Unlawful to hunt certain game in Hernando County except during December and January.

Section 1. That from and after the passage of this act it shall be unlawful for any person or persons, within the county of Hernando, to hunt, chase, kill, trap or have in his or her or their possession any wild deer or venison, or quail or partridges except during the months of December and January, and such months (December and January) are hereby made the open season for hunting deer, quail or partridges in said County of Hernando.

Limitations upon amount of game hunters are permitted to kill.

Sec. 2. It shall be unlawful for any person or persons within said county to kill any deer except those with antlers, or to kill more than two deer in any one season; or more than twenty quail or partridge or for any party of three or more persons, more than fifty quail or partridges in any one day.

Penalty, etc.

Sec. 3. It shall be unlawful for any person or persons, firm or corporation within said county to sell, expose for sale, or have in his or her or their possession for sale, any deer or venison, or quail or partridges; and any person or persons, firm or corporation, association or company violating any of the provisions of the foregoing sections, shall, upon conviction thereof, be punished as provided in Article 12, Sections 3751 and 3752 of the General Statutes of the State of Florida.

Limitations on killing wild turkey.

Sec. 4. No person or persons shall have in his or her or their possession, or shall hunt or kill any wild turkey in said county, except during the month of March (which period is hereby made the open season for hunting turkey) of any year; and no person or persons shall kill any wild turkeys, except gobblers, or kill more than three wild turkeys (gobblers) in any one season, and no person

or persons shall sell or offer for sale any wild turkey. Any person or persons violating the provisions of this section shall, upon conviction thereof, be punished as provided in Article 12, Section 3752 of the General Statutes of the State of Florida. 1907.
Penalty.

Sec. 5. No person or persons, within said county, shall hunt, shoot, kill or trap, or have in his or her or their possession, any wild ducks or doves except during the months of December, January and February, which period is hereby made the open season for hunting ducks or doves in said county. Any person or persons violating the provisions of this section shall be punished as provided in Article 12, Section 3758 of the General Statutes of the State of Florida. Limitations on killing ducks or doves.
Penalty.

Sec. 6. No person or persons living in said county shall be permitted to hunt any game specified in Sections 1, 2, 3, 4 and 5 of this act without first having paid to the Clerk of the Circuit Court of said county the sum of one dollar and procured a permit to hunt from the said Clerk. And all persons who are not citizens of the said county, before hunting for the purpose of killing any wild game in said county, shall apply to the Clerk of the Circuit Court of said county and upon the payment of ten dollars to the said Clerk by the applicant, the Clerk shall issue a permit to hunt in said county, which permit shall not be transferable, and shall be limited to one hunting season; and all such moneys so collected by the Clerk shall be turned over to the County Commissioners of said county to be appropriated toward the payment of the salary of a Game Warden as hereinafter provided. Any person or persons violating the provisions of this section shall, upon conviction thereof, be punished as provided in Article 12, Section 3755 of the General Statutes of the State of Florida. Permit, fee, etc.
Non-resident hunters to pay ten dollars for permit.
Collected money.
Penalty.

Sec. 7. The County Commissioners of said county shall recommend to the Governor for appointment, a suitable person for Game Warden or Wardens for said county, whose term of office shall be for two years; and said County Commissioners shall fix the salary of said Warden or Wardens; and the said Warden or Wardens shall have power to arrest, without warrant, any person or persons violating the provisions of this act when committed in the presence of the said Warden, or on prima Game Warden.

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facie evidence in possession of said Warden. In absence of the Game Warden, the Sheriff or his deputy shall act as Game Warden.

Disposition
of money
collected for
fines.

Sec. 8. All fines collected under the provisions of this act shall be applied on the salary of Game Warden; Provided, That one-half of such fines shall go to any informant when conviction is secured upon such information if such informant be other person than the Game Warden.

Sec. 9. This act shall go into effect upon its passage and approval by the Governor.

Approved May 22, 1907.

CHAPTER 5777—(No. 182).

AN ACT to Protect the Food Fishes in Miccosukee Lake in the State of Florida.

Be It Enacted by the Legislature of the State of Florida

Fishing sea-
son in Mic-
cosukee
Lake.

Section 1. It shall be unlawful for any person or persons to catch, kill, or take any fishes in the waters of Miccosukee Lake, in the State of Florida, during the months of February, March and April, during the years of 1908, 1909, 1910, 1911 and 1912.

Penalty.

Sec. 2. Any person or persons violating the provision of the foregoing section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not more than fifty dollars (\$50.00) nor less than ten dollars (\$10.00), or imprisoned in the county jail not more than three months nor less than ten days.

Sec. 3. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved June 3, 1907.

AN ACT to Prohibit the Use of Nets, Seines, Fish Traps, or Other Devices for Catching Fish in Ocean Pond, in Baker County, Florida.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That from and after the passage of this act it shall be unlawful for any person to catch any fish with any net, seine, fish trap or other device, except a hook and line, in the waters of Ocean Pond, near Olustee, in Baker County, Florida.

Sec. 2. That any person violating the provisions of the foregoing section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or be imprisoned not less than ten nor more than thirty days, in the discretion of the court.

Sec. 3. That all laws or parts of laws in conflict with this act be, and the same are, hereby repealed.

Sec. 4. This act shall take effect upon its approval by the Governor.

Approved June 3, 1907.

CHAPTER 5779—(No. 184).

AN ACT to Prohibit the Catching or Taking of Food Fish from the Waters of Ten Mile Creek and its Tributaries, and from the Waters of Five Mile Creek and its Tributaries, in the County of St. Lucie, and State of Florida, by the Use of Seines, Gill Nets, Drag Nets, Haul Nets, Cast Nets or any Other Kind of Nets or Device Except Hook and Line, and Prescribing a Penalty for Violation Thereof.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That from and after the passage of this act

1907.

Unlawful to
take food fish
from Ten
Mile and
Five Mile
Creeks.

it shall be unlawful for any person or persons to catch or take food fish from the waters of Ten Mile Creek and its tributaries, or from the waters of Five Mile Creek and its tributaries, fresh water streams situated in the county of St. Lucie, and State of Florida, by the use of seines, gill nets, haul nets, drag nets, cast nets or any other kind of nets or device, except hook and line.

Prima facie
evidence of
guilt.

Sec. 2. That when any person or persons are found on or about the waters of said Ten Mile Creek or its tributaries, or on or about the waters of said Five Mile Creek or its tributaries, with any device specified or referred to in Section 1 of this act, except hook and line, in his or their possession it will be considered prima facie evidence of his or their guilt.

Penalty.

Sec. 3. Any person or persons violating any of the provisions of this act shall, upon conviction, be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or imprisonment in the county jail not less than thirty days nor more than six months.

Sec. 4. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. This act shall go into effect upon its passage and approval by the Governor.

Approved May 21, 1907.

CHAPTER 5780—(No. 185).

AN ACT to Regulate the Hunting of Deer, Turkey and Other Wild Game in Sumter County.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That from and after the passage of this act it shall be unlawful for any non-resident of the County of Sumter to hunt, shoot, trap, kill or wound any deer, bear, panther, wild cat, otter, turkey, quail or other wild game, fowl or bird in Sumter County at any time until after he shall pay to one of the game wardens of such county the sum of one dollar per day for each and every day or part of a day that he shall hunt in such county; and it

One dollar a
day to hunt
in Sumter
County.

1907.

shall be the duty of any such person before hunting or shooting any of said game or wild fowl in said county to give to one of the game wardens of such county five days' previous notice in writing of his intention to hunt therein and naming in such notice a day certain and some well known place in such county where he will meet such game warden to pay for the privilege of hunting therein. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punishable on conviction by a fine for the first offense of ten dollars, and on conviction of a second offense shall be punishable by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment in the county jail for thirty days. Trials for violation of this act shall be before the County Judge or Justice of the Peace; and the game wardens of such county are hereby authorized and required to arrest without warrant any person violating the provisions of this act and to take him forthwith before the nearest Justice of the Peace or County Judge to be dealt with according to law.

Notice to game warden.

Penalty.

Trials.

Authority to arrest without warrant.

Sec. 2. There shall be appointed by the Governor, upon the passage of this act, in said County of Sumter two game wardens who shall hold their office for four years or until their successors are appointed and qualified, whose duty it shall be to see to it that the provisions of this act and any other game laws are complied with.

Appointment, terms and duties of game wardens.

The amounts collected for the privilege of hunting in such county under the provisions of section 1 shall go to and belong to the game warden collecting the same. Nothing in this act shall be construed to enable any person to hunt or kill game in such county outside of the months or seasons provided by law for hunting and killing such game, and nothing herein shall be construed to relieve non-residents of the State of Florida from the payment of the license for hunting required of them by any general game law.

Disposition of money collected from fines.

License.

Sec. 3. All laws and parts of laws in conflict with the provisions hereof are hereby repealed and this act shall take effect immediately upon its passage and approval.

Approved May 25, 1907.

1907.

CHAPTER 5781—(No. 186).

AN ACT to Prohibit Fishing in the Waters of Sumter County, Except with Rod, Hook and Line, Spinner or Troll.

Be it Enacted by the Legislature of the State of Florida

Fishing in Sumter County except with hook and line prohibited.

Section 1. That it shall be unlawful for any person to catch or take, or attempt to catch or take, any fish in or from any river, creek, bayou, stream, lake or other water in Sumter County or subject to the jurisdiction of the courts thereof, in any manner or by any means or device whatsoever other than with rod, hook and line, spinner or troll, or to place in any of said waters any seine, net, trap, trot-line or other apparatus, device or substance other than rod, hook and line, spinner or troll, by which fish may be caught, taken or killed.

Property of convicted party subject to seizure, etc.

Sec. 2. The officers arresting any person charged with violation of any of the provisions of this act shall seize all boats, nets, seines, traps, trot-lines or other apparatus or devices used in violation of this act by the person arrested, and upon conviction of such person, the property so seized shall be declared forfeited by the judgment of the court as a part of the penalty imposed under this act, and the boats so forfeited shall be sold for the benefit of the general fund of said Sumter County, and all other property so forfeited shall be destroyed as shall be ordered by the court in such case.

Authority of officers to destroy fishing outfits, etc.

Sec. 3. It shall be the duty of the Fish and Game Warden and of his deputies, and of the Sheriff and Constable of said Sumter County to destroy all seines, nets, traps, trot-lines and other devices except rod, hook and line, spinner or trolls, by which fish may be caught, or taken found in or upon any lake, river, creek, stream, bayou or other water in said Sumter County, or within the jurisdiction of the courts thereof, and not at the time in the possession of any person.

Prima facie evidence of guilt.

Sec. 4. The possession or control of any net, seine, trap, trot-line or other device, other than hook and line, spinner or troll, for taking or catching fish, in or upon any lake, river, creek, bayou, stream or other water, except a

provided for in this bill, in Sumter County, or within the jurisdiction of the courts thereof, shall be prima facie evidence of a violation of this act by the person or persons in possession or control of any of said articles or devices.

Sec. 5. All non-citizens before being allowed to fish under the provisions of this act, shall pay a license tax of two dollars to the Clerk of the Circuit Court of said Sumter County, in same manner as is now required for hunting permits. License tax on non-residents.

Sec. 6. Any person or persons convicted of violating any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars, and not exceeding one hundred dollars, or by imprisonment in the county jail of said county not more than three months, or by both such fine and imprisonment, and by the forfeiture of the boats, seines, nets, traps and other apparatus or devices used in such violation of any of the provisions of this act. Penalty.

Sec. 7. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 8. This act shall go into effect immediately upon its approval by the Governor. or upon its becoming a law without such approval.

Approved June 3, 1907.

CHAPTER 5782—(No. 187).

AN ACT to Protect the Fish in the Suwannee and Little Withlacoochee Rivers During Spawning Season.

Be It Enacted by the Legislature of the State of Florida:

Section 1. It shall be unlawful for any person or persons to catch any fish in the Suwannee or Little Withlacoochee Rivers from March 15 to June 15 of any year, with any set device, trap, seine, stick hook and line by placing such device, trap, seine, stick hook and line in or near any fish bed or beds for the purpose of catching or attempting to catch, any fish in violation of this act. Fishing in Withlacoochee and Suwannee Rivers.

Sec. 2. That any person or persons violating any provision of this act shall be deemed guilty of a misdemeanor

1907. and upon conviction shall pay a fine not exceeding (\$50) fifty dollars or be imprisoned in county jail not exceeding (60) sixty days or both fined and imprisoned at the discretion of the court.

Sec. 3. This act shall take effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5783—(No. 188).

AN ACT for the Protection and Preservation of Wild Game in Taylor County, Florida, and to Provide Penalties for the Violation of This Act.

Be It Enacted by the Legislature of the State of Florida:

Hunting in
Taylor
County pro-
hibited ex-
cept to tax
payers and
road workers

Section 1. That from and after the passage of this act it shall be unlawful for any person or persons to shoot, catch, kill or trap, or in any way molest, any deer, turkey, quail or any wild game of any kind within the County of Taylor, State of Florida, unless the person or persons pay taxes or work roads in Taylor County, Florida; Provided, That this section shall not apply to any person under the age of eighteen years or over the age of sixty years, nor to prevent any one from hunting on his own premises.

Penalty.

Sec. 2. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail for not more than sixty days, either or both at the discretion of the court.

When act ef-
fective.

Sec. 3. This act shall go into effect when deemed to be for the best interest of the county by the County Commissioners of Taylor County, by their order while in session, which order shall be published.

Sec. 4. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 5. This act shall become a law upon its approval by the Governor.

Approved June 3, 1907.

LAWS OF FLORIDA.

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CHAPTER 5784—(No. 189).

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AN ACT Prohibiting the Killing of Any Deer, Turkey, Quail, Squirrels or Other Game in the County of Wakulla, by Non-Taxpayers.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That it shall be unlawful for any person ^{Persons over 21 and under 35 prohibited from hunting in Wakulla County.} over the age of twenty-one years, and under the age of fifty-five years, who is not a taxpayer of the State of Florida, to hunt, kill, chase or otherwise molest any wild deer, turkey, quail, squirrel or other wild game in the County of Wakulla, at any time; and if any person over the age of twenty-one years, and under the age of fifty-five years, who is not a taxpayer, in this State, is found in the woods with a shotgun or rifle in his possession, it ^{Prima facie evidence.} shall be prima facie evidence of his guilt.

Sec. 2. Any person violating the provisions of this ^{Penalty.} act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the sum of not more than one hundred dollars, nor less than ten dollars, or imprisoned in the county jail not more than three months, nor less than ten days.

Sec. 3. It shall be the duty of the Game Warden of ^{Duty of Game Warden.} the said County of Wakulla, to arrest any person or persons violating said law; and if to his knowledge any person or persons are violating said act, and if he fails to try to apprehend said violators, he shall be deemed guilty of malfeasance in office.

Sec. 4. That all laws or parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Sec. 5. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 7, 1907.

1907.

CHAPTER 5785—(No. 190).

AN ACT to Protect the Fresh Water Fishes in the Fresh Water Lakes, Ponds and Other Fresh Water Streams in the County of Wakulla.

Be It Enacted by the Legislature of the State of Florida

Fresh water
fish in Wa-
kulla County

Section 1. On and after the passage, and approval of this act by the Governor, of this act it shall be unlawful for any person or persons to ship, sell or offer for sale, any fresh water fishes caught in any of the rivers, ponds, lakes or streams in the County of Wakulla, out of said county.

Common
carriers pro-
hibited from
transporting
fish.

Sec. 2. It shall be unlawful for any railroad or other common carrier to transport any fresh water fish, the same being transported for the purpose of sale, or the delivery of said fish after being sold, the same being caught in any fresh water stream, river or lake of Wakulla County.

Penalty.

Sec. 3. Any violation of said act shall be deemed a misdemeanor, and shall be punishable by a fine of not less than fifty dollars, or by imprisonment in the county jail for not less than ten days nor more than three months, or by both fine and imprisonment at the discretion of the court.

Approved May 7, 1907.

CHAPTER 5786—(No. 191).

AN ACT to Abolish the Present Municipal Government of the Town of Alachua, in the County of Alachua, State of Florida, and to Establish, Organize and Create a Municipality to be Known and Designated as the City of Alachua, and to Define its Territorial Boundaries, and to Provide for its Jurisdiction, Powers and Privileges, and for the Exercise of Same.

Be it Enacted by the Legislature of the State of Florida

Abolishment.

Section 1. That the present municipal government of the town of Alachua is hereby abolished.

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Sec. 2. That a municipality to be known and designated as the City of Alachua is hereby established, organized and constituted, in the County of Alachua, and State of Florida, the territorial boundaries of which shall be as follows:

Establishment.

Beginning at the northeast corner of the northwest quarter of Section 14, and running thence west to the northeast corner of the northwest quarter of Section 15; thence south to the southeast corner of the southwest quarter of Section 15; thence east to the southeast corner of the southwest quarter of Section 14; thence north to the point of beginning at the northeast corner of the northwest quarter of Section 14, all in township 8, south of range 18, east, and embracing the west half of Section 14. and the east half of Section 15. all in said township 8. range 18.

Territorial boundaries.

Sec. 3. That no obligation or contract of said municipality shall be impaired by this change, but all debts, contracts and obligations shall be obligations upon and enforceable against the new municipality.

Obligations, contracts, debts, etc.

Sec. 4. That the title, right and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the said municipality of the town of Alachua, shall pass and be vested in the municipal corporation hereby organized to succeed such municipality.

Rights in action.

Sec. 5. That the corporate authorities of said municipality of the City of Alachua, shall be vested in a Mayor, City Council, Clerk, Tax Assessor, Tax Collector, Treasurer and Marshall, and such other officers as may be provided for and constituted by ordinance. The offices of Clerk and Treasurer may be held by one and the same person, and the offices of Marshall and Collector may be held by one and the same person, at the discretion of the City Council. And the corporate authorities of said municipality of the town of Alachua as constituted and existing at the time of the abolishment of said municipality and the creation of the municipality of the City of Alachua, as by this act provided, shall continue in and hold their respective offices, and shall be officers of the said municipality of the City of Alachua until the next general election to 21—G. L.

Corporate authorities.

Officers, terms, etc.

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be held in said city, and until their successors at said election shall be elected and qualified.

Bond issue.

Sec. 6. The Mayor and City Council of the City of Alachua, in their corporate capacity, are hereby authorized to issue, from time to time, bonds of said city to such amounts and of such denominations, bearing not exceeding six per cent interest per annum, becoming due at such times and upon such conditions as may, by ordinance, be determined, the proceeds from the sales of which bonds at not less than par value, shall be used for such municipal purposes as may be provided by ordinance, and for the payment of which bonds, and the interest thereon, the entire taxable property of said city, and the public utilities owned by the city, may be pledged; Provided, That before the issue of said bonds shall be made, the issuance of the bonds then proposed to be issued shall be provided for by ordinance, setting forth the denominations of such bonds, the rate of interest, the time, place and conditions when said bonds, and the interest thereon, shall become due and payable, and the purpose for which the proposed issue of bonds is to be used, and subsequently approved by a majority of the votes cast at a special election held for that purpose, at a time and in a manner to be prescribed by ordinance, by the qualified electors of said city, or approved at a general city election by a majority of the votes cast by the electors qualified to vote at such city election. The Mayor and City Council are authorized to make in and by the ordinance providing for the issuance of such bonds, or by subsequently passed ordinance such provisions for the control and direction of the expenditure of bond-moneys, and for the control and management of public utilities acquired by the city, not inconsistent with the provisions of this act, as may be deemed by them advisable. The Mayor and City Council shall levy and collect, annually, such special tax on the taxable property within the corporate limits of said city as may be necessary, to pay the interest on said bonds and to provide a sinking fund for the payment of said bonds and, by ordinance, shall require of the disbursing agent handling the moneys arising from the sale of said bonds such bonds for the faithful performance of their duties they may determine.

Proviso.

Ordinances.

Ordinance for tax levy to pay interest and sinking fund, etc.

Sec. 7. The Mayor and City Council are authorized

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ordinance, to construct or acquire, own and operate water-works, electric light and gas plants, and such other public utilities as the welfare of the citizens of the city may reasonably demand, and to provide therefor through the medium of bonds issued under the provisions of Section 5 of this act, or through general taxation, or otherwise, as they may deem advisable; Provided, That the construction or acquisition of such properties shall be first approved by a majority of the votes cast at a general or special election, in compliance with the provisions of an ordinance providing for the submission of such question to the voters at such election. And no municipal franchise shall be granted or extended for the establishment or maintenance of any public utilities through, or upon any street of the city, except by an ordinance passed by two-thirds of all the members of the City Council, and approved by the Mayor, or passed over his veto; and subsequently, approved by a majority of the votes cast at a municipal election, general or special, at which such question shall have been submitted to the voters.

Public utilities.

Proviso.

Manner of extending franchise.

Sec. 8. The Mayor and City Council are hereby authorized by ordinance to prevent, abate and remove nuisances: to regulate or prohibit and suppress all gambling houses, bawdy and disorderly houses and obscene pictures and literature; to regulate, restrain or prevent the carrying on of any manufactories dangerous in causing or producing fires, and to regulate and license the sale of fire-arms, and to suppress the carrying of concealed weapons; to prohibit and punish all cases of larceny where the value of the property stolen does not exceed \$20.00; to regulate the storage of gunpowder, tar, pitch, rosin, saltpeter, gun-cotton, coal oil, and all other combustible, explosive and inflammable material, and the use of lights, candles, lamps and steam pipes, in all stables, shops and other places, and to regulate or suppress the use and sale of firecrackers, and all other fireworks and toy pistols; to pass all ordinances necessary for the health, convenience and safety of the citizens; to regulate, tax, license or suppress the keeping and going at large of all animals within the city, to impound the same, and in default of redemption, as provided by ordinance, to sell, kill, or otherwise dispose of the same.

Powers of Mayor and City Council by ordinance

Sec. 9. The Mayor and City Council are hereby author-

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Powers of
Mayor and
City Council
by ordinance.

Ordinance
shall state
costs, etc.,
and be pub-
lished or
posted, etc.

ized by ordinance, to regulate, provide for and require the opening, widening, extending and improving of streets, avenues and public places; the construction and maintenance of sidewalks and street pavements; the establishment and maintenance and keeping in order of gutters, plots and park ways in front of property between property lines or outer sidewalk lines and the driveway in the center of the streets; the drainage and filling in of low places, public or private, dangerous to public health and the cleaning up and putting into proper condition of places requiring such work to be done to promote the public welfare; and the construction and maintenance of water mains, sewers and drains; and may by ordinance provide for the payment of the cost thereof, by general taxation or by special assessment of the cost thereof against the property fronting or abutting upon the street, avenue, or public place where the same is done in proportion to frontage of the property fronting thereon; special assessment being made per front foot of the abutting property, or part of the cost thereof may be, by ordinance, paid by general taxation of all property of the city, and the remainder by such special assessment, and in cases of drainage and filling in of low places (other than streets, avenues and public places) dangerous to public health, and the cleaning up and putting into proper condition of places requiring such work to be done to promote the public welfare, shall provide for the payment of the cost thereof, or of such part of the cost as may be provided by ordinance, against the property upon which such work is done, and the city shall have a lien superior to all other liens upon the abutting property, or upon the property drained and filled in, or cleaned up and put into proper condition, as the case may be, for the amount of such special assessments, together with interest thereon, and the cost of collection thereof. Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall state the estimated total cost thereof, and the estimated amount per front foot of the special assessments to be levied upon abutting property, and the estimated cost to be specially assessed against the property drained, filled in, cleaned up, or put into proper condition, as the case may be, and shall be published or posted each week for four weeks, or posted in at least three conspicuous places in said city, and the City Council shall

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meet as soon as practicable after the expiration of said publication, or, after four weeks from the date of the posting of said ordinance, at a time named in the ordinance, and permit any owner of, or other person interested in, any property against which it is proposed to levy such special assessment, to present to the City Council any objections which he may have to the enforcement of the requirements of such ordinance; and shall have power, if they deem justice or right to require the same, to repeal or amend said ordinance; but no such amendment shall increase the amount to be specially assessed against other property. Any person owning or interested in any property to be specially assessed or generally taxed for said work, who shall not at such meeting, present in writing, to the City Council his objection to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such and not satisfied with the action thereon, shall have the right within thirty days thereafter, to present to any court of competent jurisdiction by Bill in Chancery, praying for an injunction against the enforcement of said ordinance, and the court shall have power, upon proper cause shown, to grant such injunction; and any person not so presenting his bill for injunction within thirty days, or failing to push to a successful conclusion with due diligence his application for an injunction, shall be deemed to have consented to the enforcement of the ordinance and the levy and collection of the special assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The Mayor and City Council are hereby authorized to provide, by ordinance, for the issuance of special assessment City Certificates for such amounts, and drawing such rates of interest and upon such terms and conditions as may be deemed necessary, to enable the city to pay the costs of such work pending the collection of the special assessments and taxes, and to provide for the payment thereof with interest; and the City Council shall as soon as practicable after the completion of any such work, by resolution, fix the special assessment per front foot upon the abutting property, or the special assessment against the property drained, filled in, cleaned up, or put into proper condition, as the case may be, at an amount not exceeding either the actual cost of the work, or the

Council meetings to hear complaints, etc.

Power to repeal.

Rights of property owners not appearing at meeting, etc.

Special assessment certificates, etc.

1907. estimated special assessment stated in the ordinance providing for the work.

**Right to
contest spe-
cial assess-
ment, etc.**

Any person desiring to contest in any way the validity of any such special assessment or lien shall, within thirty days after the publication or posting of the resolution fixing the special assessment, institute suit to have the enforcement thereof enjoined, or its invalidity legally declared, and no person not so instituting such suit shall thereafter be heard to question the validity thereof or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty days after the publication or posting of such resolution shall be accepted without interest, and such assessments not so paid within said time shall bear interest from the date of publication or posting of such resolution at the rate of one per cent per month. The Mayor and City Council may, by ordinance, provide for the payment of such special assessments in instalments, and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by Bill in Equity, and any number of liens arising under the provisions of one ordinance may be enforced in and by one proceeding in Equity. The city shall have and collect a lien upon any properties affected by such special assessments for reasonable attorney's fees for the collection of unpaid special assessments after the collection thereof shall have been entrusted to an attorney by resolution of the City Council.

**Enforcement
of liens.**

**Board of
Public Works**

Sec. 10. The Mayor and City Council may, by ordinance, provide for the election or appointment of a Board of Public Works, (who may also be made Trustees for bonds issued, with such powers and duties with respect to the bonds and the sales thereof and the use of the proceeds thereof as may be provided by the ordinance) of such number of members, with such terms of office, and such executive powers and duties and such provisions for and regulation of their execution of trust and duties as may be provided by ordinance, and if such ordinance be submitted to and approved by the electors in the manner in this act provided for such submission of such ordinance, the Board shall thereupon become and be a fixed ex-

ecutive board of the city until such ordinance shall have been in like manner repealed or amended.

Sec. 11. The Mayor and City Council may, by ordinance, levy and collect such taxes for ordinary purposes as the City Council may find necessary to properly meet the needs of the city, and also a special tax for fire protection, covering the cost of the fire protection, which special tax shall be levied upon all and only the property lying within about five hundred feet of a fire plug; and the City Council shall, by ordinance levying said tax, fix the limits which include the property liable to such tax as nearly as may be practicable to the limit of five hundred feet from the nearest fire plug. Said special tax for fire protection shall be levied and collected at the same time and in the same manner that other taxes are collected, and the proceeds thereof, shall be used exclusively for the payment of water for fire protection, and for the maintenance of a fire department and the furnishing of the best practicable fire protection.

Tax levy for ordinary purposes and fire protection.

Sec. 12. The Mayor and City Council may, by ordinance, provide for the auditing, annually, by an expert accountant, not connected with the municipal government, of the accounts of each municipal officer handling moneys of the city, and may have the report of such auditing officer published or posted, for the information of tax payers.

Annual auditing by expert accountant authorized.

Sec. 13. The existing charter and charter provisions of the City of Alachua may be at any time amended or abolished and repealed, and an entire new charter and charter provisions or amendments of those existing may be adopted and established, fixing and defining as fully and completely as could be done by Legislative enactment the powers and duties of the municipality and providing for and regulating the exercise of such powers and duties, or the numbers, powers, duties, terms of office and time and manner of election or appointment of any or all city offices may be amended and changed, by ordinance adopted by the affirmative vote of not less than two-thirds of all the members of the City Council and approved by the Mayor, or passed over his veto, and, at a general or special municipal election approved by the affirmative vote of a majority of the votes cast upon such proposition;

Power to amend provisions of charter, etc.

1907.

Proviso.

Provided, that once each week, for eight weeks next preceeding such election such ordinance or ordinances shall have been published in a newspaper printed in the city, or, not less than eight weeks preceeding such election, by being posted in at least three public places in said city; and provided further, that this act shall not be construed as depriving the City Council under existing legislation of the power to create or abolish by ordinance not so approved by the electors any office not created or recognized in State legislation, or by ordinance approved by the electors. Such new charter or amendment or change of charter provisions shall take and go into effect thirty days after the day of election at which the same shall have been approved by the electors, and no contest of such election and no question as to the validity or regularity or sufficiency of the proceeding whereby such charter or amendment or change of charter provisions has been ordained, approved or adopted or put into effect, shall be made or raised collaterally, or in any proceeding instituted more than thirty days after such election, otherwise than by quo warranto proceedings instituted by the Attorney General of the State. The Mayor and City Council of the city, together with the electors thereof, are hereby, in the manner above stated, authorized from time to time, to exercise the most complete local self-government as to all municipal affairs, and are hereby authorized, in the manner above provided, to alter and amend their municipal charter, and to change by increase or by limitation, the powers and duties of the municipality and of its officers. to the same extent that such powers and duties could be changed, extended or limited by act of the Legislature; the only limitation upon such power being that the municipality shall not acquire any rights other than those properly pertaining to local municipal governments.

In case of
absence or
sickness of
Mayor or
Pres. of
Council.

Sec. 14. In the absence, sickness, or disqualification of the Mayor, the President of the City Council as Acting Mayor, shall perform all the duties of the Mayor, and in the absence, sickness or disqualification of both the Mayor and President of the City Council, the President Pro Tem of the City Council, or such other member of the City Council as may be designated by that body, shall, as AActing Mayor, perform all the duties of the Mayor.

Sec. 15. All ordinances adopted by the City Council

and approved by the Mayor, or passed over his veto, shall be published in a newspaper printed in said city, or posted as may be designated in such ordinances.

Sec. 16. That this act shall take effect upon its passage and approval by the Governor.

Approved May 7, 1907.

CHAPTER 5787—(No. 192).

AN ACT to Legalize and Validate an Ordinance of the City of Apalachicola, Florida, Numbered 149 and Entitled "An Ordinance Providing for the Making, Construction and Operation of a System of Waterworks and for the Making, Construction and Operation of a System of Sewerage of the City of Apalachicola, Providing for the Issue of Bonds of Said City of Apalachicola, for Each of Said Purposes, and Providing for a Submission of the Question of Said Ordinance, and each Question Therein Contained to an Election of the Qualified Voters of Said City Then Residing Therein and Owning Real Estate Therein, and Have Paid Their Taxes for the Year Last Due Thereon, and Providing for the Conduct and Management of Said Election Provided for Therein," Passed by the iCty Council of the City of Apalachicola, Florida, the 2nd Day of August, 1905, and Approved by the Mayor of the City of Apalachicola, Florida, the 2nd Day of August, 1905; and to Legalize and Validate the Special Election Provided for in Said Ordinance in Sections 7, 8, 9, 10, 11 and 12 Thereof, and Held on the 12th Day of September, A. D. 1905, by the Qualified Voters of the City of Apalachicola, Florida, Under the Provision of Said Ordinance; and to Legalize and Validate All Bonds Issued by the City of Apalachicola, Florida, Under and by Virtue of Said Ordinance Number 149, and All Proceedings, Resolutions and Ordinances of Said City Council of Said City Under and in Pursuance of the Same.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Ordinance Number 149 of the city of Apalachicola, Florida, entitled "An Ordinance providing

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Ordinance
regarding
waterworks,
sewerage,
bonds, elec-
tion, conduct
of election,
etc., validat-
ed.

for the making, construction and operation of a system of waterworks, and for the making, construction and operation of a system of sewerage of the city of Apalachicola, providing for the issue of bonds of said city of Apalachicola for each of said purposes, and providing for the submission of the question of said ordinance and each question therein contained to an election of the qualified voters of said city then residing therein and owning real estate therein and have paid their taxes for the year last due thereon, and providing for the conduct and management of said election provided for therein," passed by the City Council of the city of Apalachicola on the 2nd day of August, 1905, and approved by the Mayor of the City of Apalachicola, Florida, on the 2nd day of August, 1905, be and the same is hereby declared legal and valid.

Special elec-
tion.

Sec. 2. That the special election provided for in said Ordinance Number 149, of the City of Apalachicola, Florida, mentioned in Section 1 of this act under Sections 7, 8, 9, 10, 11 and 12 of said ordinance and held in the city of Apalachicola, Florida, on the 12th day of September, A. D. 1905, by the qualified voters of the city of Apalachicola, Florida, under the provisions of the said ordinance, be, and the same is, hereby declared legal and valid.

Bonds.

Sec. 3. That the negotiable bonds of the city of Apalachicola, Florida, dated the 1st day of January, A. D. 1906, numbered from one to forty inclusive, in the sum of \$1,000.00 each, and issued for the purpose of making, constructing and operating a system of waterworks, payable thirty years from date and drawing interest at the rate of four per cent per annum, payable semi-annually, as provided in said ordinance, mentioned in Section 1 of this act; and the negotiable bonds of the city of Apalachicola, Florida, dated the 1st day of January, A. D. 1906, numbered from one to ten inclusive, in the sum of \$1,000.00 each, and issued for the purpose of making, constructing and operating a system of waterworks, payable thirty years from date and drawing interest at the rate of four per cent per annum, payable semi-annually, as provided in the said ordinance mentioned in Section 1 of this act, all of which waterworks and sewerage bonds were issued by the city of Apalachicola under and by virtue of said Ordinance Number 149, and in pursuance of the ratification of said ordinance by more than two-thirds of the qualified

voters of the city of Apalachicola, Florida, at the special election held on the 12th day of September, A. D. 1905, for that purpose, who then resided therein and owned real estate therein, and had paid their taxes for the year last due thereon be, and the same are, hereby declared legal and valid; and said bonds shall not be held invalid on account of any irregularity, defect or imperfection whatsoever in the proceedings taken by the city of Apalachicola, or the City Council thereof in the issue of said bonds, and all defects, and all other irregularities in such proceedings, and the election under which the said issues of bonds were authorized, and all subsequent proceedings, resolutions and ordinances under and in pursuance of said Ordinance Number 149, pertaining to the issue of said bonds are hereby cured, validated and authorized.

Sec. 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. This act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Approved May 21, 1907.

CHAPTER 5788—(No. 193).

AN ACT Extending and Enlarging the Territorial Limits and the Powers of the City of Archer, a Municipal Corporation Organized and Existing in Alachua County, Florida, and Providing for the Exercise of Those Powers.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The territorial limits and boundaries of the municipality existing in Alachua County under the name of the city of Archer are hereby changed and extended and enlarged so as to embrace within the territorial limits and the municipal jurisdiction of said city of Archer all of the territory described as follows, to-wit: Section sixteen (16) and east half of section seventeen, township eleven (11), south of range eighteen (18) east, in said Alachua County.

Territorial
limits of the
town of
Archer.

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Abolishment.

Sec. 2. The corporate authorities of the city of Archer as now constituted be and are hereby abolished from and after the first Tuesday in June, 1907.

Corporate authorities.

Sec. 3. The corporate authorities of said city of Archer shall be vested in a Mayor, City Council, consisting of five Councilmen, Clerk, Tax Collector, Tax Assessor, Treasurer and Marshal, and such other officers as may be appointed and constituted by ordinance.

Proviso.

Provided, however, The offices of Clerk, Treasurer and Assessor may be filled by one persons, and the offices of Marshal and Collector by one person, at the discretion of the City Council.

Officers, their terms, etc.

Sec. 4. There shall be elected by the qualified electors of said city of Archer, a Mayor, Clerk, Tax Collector, Tax Assessor and Treasurer, annually, on the first Tuesday in June; and five (5) Councilmen on the first Tuesday in June, 1907, the three Councilmen receiving the highest number of votes to hold office for the term of two years, and the two Councilmen, remaining, to hold office for one year, and thereafter Councilmen shall be elected on the first Tuesday in June, annually, to hold office for terms of two years, to fill the vacancies caused or existing by the expiration of the terms of office of Councilmen.

Marshal.

Sec. 5. The City Council of the city of Archer shall elect a Marshal to hold office at the pleasure of the City Council.

Limit on tax levy.

Sec. 6. The total taxes levied upon any property by the city of Archer in any one year shall not exceed one and one-half per cent upon the valuation thereof by the State for taxation.

All acts valid.

Sec. 7. All acts and doings of the city of Archer, and of the government and officers of the same, done under any law of the State of Florida, are declared valid.

Impounding stock.

Sec. 8. The city of Archer shall have authority and right to impound hogs, cattle, horses and other live stock, running at large within the corporate limits of said city.

Power to amend charter, etc.

Sec. 9. The existing charter and charter provisions of the city of Archer may at any time be amended or abolished and repealed, and an entire new charter and charter provisions or amendments of those existing may be adopted and established, fixing and defining as fully and

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completely as could be done by legislative enactment, the powers and duties of the municipality and providing for and regulating the exercise of such powers and duties, or the numbers, powers, duties, terms of office and time and manner of election or appointment of any or all city offices may be amended and changed, by ordinance adopted by the affirmative vote of not less than two-thirds of all the members of the City Council and approved by the Mayor, or passed over his veto, and, at a general or special municipal election, approved by the affirmative vote of a majority of the votes cast upon such proposition; Provido. Provided, That for eight weeks preceding such election ordinance or ordinances shall have been published, as provided by law; and provided, further, that this act shall not be construed as depriving the City Council under existing legislation of the power to create or abolish by ordinance not so approved by the electors any office not created or recognized in State legislation or by ordinance approved by the electors.

Such new charter or amendment or change of charter provisions shall take and go into effect thirty days after the day of the election at which the same shall have been approved by the electors, and no contest of such election and no question as to the validity or regularity or sufficiency of the proceeding whereby such charter or amendment or change of charter provisions has been ordained, approved or adopted or put into effect, shall be made or raised collaterally or in any proceeding instituted more than thirty days after such election, otherwise than by quo warranto proceedings instituted by the Attorney General of the State. The Mayor and the City Council of the city, together with the electors thereof, are hereby, in the manner above stated, authorized from time to time to exercise the most complete local self-government as to all municipal affairs, and are hereby authorized, in the manner above provided, to alter and amend their municipal charter and to change by increase or by limitation the powers and duties of the municipality and of its officers, to the same extent that such powers and duties could be changed, extended or limited by act of the Legislature; the only limitation upon such power being that the municipality shall not acquire any rights other than those properly pertaining to local municipal governments.

Amended
charter shall
go into effect
30 days after
election.

Authority of
Mayor, Council
and electors,
etc.

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Sec. 10. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 11. This act shall take effect from and after its approval by the Governor.

Approved May 2, 1907.

CHAPTER 5789—(No. 194).

AN ACT to Amend Section One (1) of Article Eight (8) of Chapter 4297, of the Laws of Florida, Approved May 30th, 1893, Being An Act to Incorporate the City of Bartow, and to Abolish the Present Incorporation of Said City.

Be It Enacted by the Legislature of the State of Florida

Section 1. That Section one (1) of Article eight (8) Chapter 4297 of the Laws of Florida, approved May 30, 1893 be amended so as to read as follows:

Assessments
and valua-
tions, etc.

Proviso.

Section 1. The city shall have the power to make its own assessments of taxes, and fix the valuation of property therefor, but such valuation shall not exceed the actual cash value of the property, Provided, however, Said city for the purpose of encouraging and promoting the establishment of manufacturing or other industrial enterprises within its limits, shall have the power by contract to fix the valuation of the property of said manufacturing or industrial establishments for taxation, for fixed period not to exceed twenty (20) years. For ordinary purposes the rate shall not exceed twelve mills on the dollar. A special tax may be levied, not exceeding eight mills, to create a sinking fund for the payment of the city's bonded indebtedness, or the interest thereon, and for the discharge of any judgment obtained against the city, the payment of which may be compelled by mandamus.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This act shall take effect from and after its passage and approval by the Governor.

Approved May 7, 1907.

AN ACT to Legalize and Confirm the Incorporation of the Town of Bonifay, in Holmes County, Florida, and to Declare the Same a Legally Incorporated Town.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the organization of the town of Bonifay, in Holmes County, Florida as a municipal corporation, heretofore undertaken to be effected under the general law of this State for the incorporation of cities and towns, be and the same is hereby ratified and confirmed; and the said town of Bonifay is hereby declared to be a legally incorporated town, with all the powers, privileges, rights and franchises conferred upon such towns by the general laws of this State. Establishment and incorporation.

Sec. 2. That the acts and deeds performed in the organization and incorporation of said town are hereby declared valid and legal; and all acts and deeds done by and through the Mayor, and the Town Council, and other officers of said town, within the powers conferred upon such towns and officers by the laws of this State, are hereby ratified and confirmed, and declared to be legal and valid. Acts and deeds validated.

Sec. 3. That the several persons now exercising the duties and functions of the various officers of said town are hereby declared to be legal officers of said town and they shall continue to exercise the duties and functions of their respective offices until their successors are legally elected and qualified. Officers legalized.

Sec. 4. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved April 24, 1907.

AN ACT to Establish, Organize and Constitute a Municipality in DeSoto County, Florida, to be Known and Designated as the Town of Bowling Green, and to Define its Territorial Boundary, and to Provide for its Jurisdiction, Powers and Privileges.

Be it Enacted by the Legislature of the State of Florida

Establish-
ment.

Section 1. That a municipality to be known and designated as the town of Bowling Green is hereby established, organized and constituted in the County of DeSoto a State of Florida, the territorial boundaries of which shall be as follows:

Boundaries.

Commencing at the northeast corner of the northwest quarter of the northeast quarter of section four, in township thirty-three, south of range twenty-five east; thence run south one mile, to southeast corner of southwest quarter of the southeast quarter of section four in township thirty-three south of range twenty-five east; thence west one mile, to southwest corner of the southeast quarter of section five in township thirty-three south of range twenty-five east; thence north to northwest corner of the northeast quarter of the northeast quarter of section five in township thirty-three south of range twenty-five east; thence east one mile to place beginning.

Rights, etc.

Sec. 2. That said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded and shall have a common seal, which may be changed at the Town Council at pleasure.

Rights, etc.,
beyond town
limits.

Sec. 3. That said corporation may own, purchase, lease, acquire, receive and hold property, real and personal within the territorial boundaries of said corporation, and may own, purchase, lease, acquire, receive and hold property, beyond the limits of said corporation to be used for any or all purposes as the Mayor and Town Council may deem necessary and proper.

Property
rights.

Sec. 4. That said corporation is hereby empowered to sell, lease or otherwise dispose of any and all property

real or personal, which may belong to said corporation to the same extent as natural persons may do. That the Town Council may prescribe by ordinance the manner of making such conveyance.

Sec. 5. That the corporate authority of said town of Bowling Green shall be vested in a Mayor, Town Council, Clerk Assessor, Treasurer, Marshal and Collector, and such other officers as shall be appointed and constituted according to ordinances of the said town. No person shall be eligible to any of said offices who shall not be a citizen of the State of Florida and a legal and qualified voter of said State.

Corporate authority.

Sec. 6. That the Mayor shall be elected for the term of one year by the qualified electors of said corporation, and shall hold his office until his successor is elected and qualified. His compensation shall be fixed by ordinance, but shall not be changed during his term of office. He shall have power to preserve peace and order and to enforce the ordinances of said corporation. The Mayor shall have jurisdiction for the trial of all offenses against the ordinances of said town. He shall see that the ordinances are faithfully executed and the orders of the council duly observed and enforced. He shall have power by his warrant to have brought before him any person or persons charged with the violation of said ordinance. He shall have the power to require the attendance of witnesses for or against the accused; to administer oaths; to take affidavits, and to inquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of the accused, and to fix by penalty the sentence prescribed by ordinance; to release persons convicted by him and to have and exercise all the power incident and usual to the due enforcement of his jurisdiction.

Term, jurisdiction, powers, duties and compensation of Mayor.

Sec. 7. That the Mayor shall have the power to suspend any officer, except councilmen, for misconduct in office or neglect of duty, reporting his action in writing with his reason therefor to the next regular meeting of the council, for its approval or disapproval.

Power of Mayor to suspend officers.

Sec. 8. That the Mayor shall have general supervision over city officers, and may examine into the condition of the offices, books, records and papers thereof and therein,

Mayor's supervision over officers.

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and the manner of conduction official business. He shall report to the town council all violations or neglect of duty on the part of any official that may come to his knowledge.

Ordinances
to be ap-
proved by
Mayor.

Sec. 9. That every ordinance passed by the town council, before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk; if the Mayor approve the same, he shall sign it and return it to the Clerk, but if he shall not approve it, he shall return it to the Clerk with his objections in writing at or before the next regular meeting of the Council for reconsideration, and if the Council shall pass the ordinance by a two-thirds vote of all the members present, it shall go into effect. If the Mayor shall fail to return any ordinance, or shall return the same unsigned, without objections in writing, at or before the next regular meeting of the council after its passage, he shall be deemed to have approved the same, and it shall become a law without his signature.

Duties of
Mayor.

Sec. 10. The Mayor shall communicate from time to time to the Council such information and recommend such measures touching the public service as he may deem proper, and shall perform such duties as the ordinances may prescribe.

Policemen,
etc.

Sec. 11. When, in his opinion, the public good requires, the Mayor may appoint and discharge special policemen and detectives.

Power of
Mayor to bid
in property.

Sec. 12. The Mayor shall have power to bid in, or cause to bid in, property for the town at all or any tax sales and judicial sales, and all sales under process of law.

Special
meetings of
Council.

Sec. 13. The Mayor may call special meetings of the Council, and when called, he shall state the object for which called and the business of such meetings shall be confined to the object so stated.

Impeach-
ment of
Mayor.

Sec. 14. The Mayor may be impeached by the Council for misfeasance, malfeasance in office, for drunkenness, habitual intoxication or gross immorality. Should charges be preferred against the Mayor, the Council shall furnish the Mayor with a copy of the articles of impeachment, and shall proceed without unnecessary delay to investigate and decide them. It shall require a two-thirds vote of said Council to remove him from office.

Sec. 15. That in case of the death or absence of the

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Mayor or his inability from any cause to discharge the duties of the office of Mayor, the President of the Town Council, or in his absence, the acting President of the Council, shall discharge the duties of Mayor as "Mayor pro tempore," or until the office of Mayor shall be filled.

In case of death or absence of Mayor.

Sec. 16. That should there occur a vacancy in any of the offices of the said town of Bowling Green, except Councilmen or Mayor, it shall be the duty of the Mayor to fill said vacancy as soon as possible by appointment, and the party so appointed by said Mayor, shall be confirmed or disapproved by the Council at its next regular meeting.

Vacancies in office.

Sec. 17. Should the Mayor's office become vacant from any cause, or should there occur a vacancy in the Council at any time three months prior to an election, the Clerk shall immediately certify such fact to the Mayor or Acting Mayor, who shall immediately issue his proclamation calling for a special election to be held to fill such vacancy or vacancies. Said election shall be held not less than thirty days from the issuance of said proclamation, which said proclamation shall be published by inserting the same in some newspaper published in the town of Bowling Green at least three times, or by posting the same in three public places in said town, one of which shall be in the postoffice, at least ten days before said election.

Vacancies in office.

Sec. 18. The Town Council of said town shall be composed of five members, who shall be elected for a term of two years, at a general election of the qualified electors of said town. Two Councilmen shall be elected hereunder at the general election in A. D. 1907, and every two years thereafter; and three Councilmen shall be elected hereunder at the same general election to hold for one year, and shall be elected for two years in A. D. 1908, and for two years thereafter.

Election, etc., of Councilmen.

Sec. 19. The Council shall be the judges of the qualification, election and returns of its own members. It may enact rules of procedure and may prescribe penalties for the non-attendance or disorderly conduct of its members and enforce the same. Two-thirds of its members concurring, it may expel a member for improper conduct in office. A majority of the members of the Council shall be necessary to form a quorum for the transaction of business, but a smaller number may adjourn from time to time,

Council.

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and under the provision of ordinances or rules of procedure may compel the attendance of absent members by the imposition of fines and penalties.

Meetings of Council.

Sec. 20. That the Council may hold meetings at such times as it may determine, holding not less than one regular meeting in each and every month.

Power of Council regarding offices and officers.

Sec. 21. That the Council shall have power, and is hereby authorized to create such offices and to provide by ordinance for the election or appointment of all such additional officers and the election or appointment of all such additional officers and employes as may, in their judgment, be necessary for the government of said town. The Council shall have power to establish at any time, any office created by it, but shall not abolish any office created by this act. No person shall hold office under this act except as provided for in Section 5.

Officers to give bond, etc.

Sec. 22. That all incumbents of offices created by this act, or by ordinance or by resolution, shall be required to give such bond as the Council may prescribe. All such officers before entering upon their respective duties, shall take oath to faithfully discharge their several duties.

Powers of Council.

Sec. 23. That the Council shall have power by ordinance to levy on real and personal property at a rate not to exceed twenty mills for all purposes and collect taxes, also on privileges and professions taxable by law for State purposes; to require and enforce the payment of a license tax on all business, privileges or profession for which a license tax is required by the laws of the State of Florida; license, tax or regulate auctioneers, taverns, hotels, boarding houses, restaurants and peddlers; to license, tax and regulate hackney carriages, cars, omnibuses, wagons, carts and drays, and to fix a rate to be charged for the carriage of persons and property within the corporate limits; to license, tax or regulate theatrical or other exhibitions, shows, circus, parade or amusement; to license, tax or regulate the sale of fire arms; to license, tax and regulate the sale of spirituous, vinous or malt liquors, but no license granted by said town for such purposes shall be construed to give to the licensee any rights or privileges except in so far as the said town is concerned, and said licensee shall nevertheless be subject to prosecution and punishment for a violation of the license law of the State.

or for a violation of the prohibition regulations, as the case may be.

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Sec. 24. That the Council shall appropriate money for the payment of debts and expenses of the said town of Bowling Green. Power to appropriate money.

Sec. 25. That the Council shall have power to establish, maintain and regulate hospitals, jails, houses of detention and correction. Powers of Council.

Sec. 26. That the Council shall have power to make regulations to secure the general health of the inhabitants, and to prevent and to remove nuisances, whether affecting the health or morals of the community; to regulate the inspection of milk, butter, lard and all groceries and provisions of whatever kind, nature or class; to regulate the vending of meat, poultry, fish, oysters or other articles of like nature, and of fruits and vegetables; to establish and regulate markets. Power to make certain regulations.

Sec. 27. That the Council shall have power to provide the said municipality with waterworks and public baths, to be within or beyond the boundaries of the town of Bowling Green; to provide for the prevention or extinguishment of fires, and to organize and establish fire departments; to provide for the lighting of the town. Power to provide waterworks and fire protection.

Sec. 28. That the Council shall have the power to alter, open, extend, abolish, widen, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks, and to erect and keep in repair bridges, culverts, sewers and gutters; that said Council shall have the power to require the owner or owners of any lot or parcel of land abutting on any street or avenue to erect, construct and keep in good repair along and adjacent to his said lot or parcel of land, sidewalks or such kind and of such material as the Council may deem proper, and to provide for the punishment of such owner or owners for any refusal or neglect to do so. Powers of Council over streets, sidewalks, etc.

Sec. 29. That the Council shall have power to order the paving or otherwise improving of any street or portion thereof in such manner as they may deem proper, and may require the owner or owners of any parcel of land abutting thereon or thereto to do one-third of such paving, or to make one-third of such improvement as the same may be Paving.

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ordered. That in case such owner or owners shall refuse or neglect to comply with such order, then and in that event said Council may proceed and have the work done at the expense of the town of Bowling Green, which sum shall be a lien upon such lot or parcel of land. That such lien may be enforced by a suit at law in any court having jurisdiction of the amount of such claims, and by levying execution on said land; or the said lien may be enforced by a bill in equity, and the Circuit Court is hereby vested with jurisdiction to decree the amount of the claim, to declare the same a lien upon said land, and to order the sale thereof, and to make any and all orders and decrees as may be necessary to the enforcement of such lien.

**Powers of
Council.**

Sec. 30. That the Council shall have power to prohibit and suppress all gambling houses, bawdy houses and disorderly houses; any exhibition, show, circus, parade, or amusement contrary to good morals, and all obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories dangerous in increasing or producing fires; to regulate the storage of gun powder, tar, pitch, rosin, salt peter, gun cotton, coal oil and all other cumbustibles, explosives and inflammable material, and the use of lights, candles, lamps and steam pipes in all stables, shops and other places; to regulate or suppress the sale and use of firecrackers and all other fireworks, toy pistols, air guns and sling shots; to provide for the arrest, imprisonment and punishment of all vagrants and all riotous and disorderly persons within the town by day or night, by warrant or otherwise, and for the punishment of all breakers of the peace, and to disperse all disorderly assemblies on the Sabbath or secular days; to pass all ordinances necessary to the health, convenience, comfort and safety of the citizens and to carry out the full intent and meaning of this act, and accomplish the objects of this incorporation; to impose penalties on the owners, occupants or agents of any house, walk or sidewalks, or other structure or place or thing which may be dangerous or detrimental to the citizens or their property unless after due notice the same may be remedied or removed; to regulate, tax, license or suppress and punish by fine or imprisonment the keeping and going at large of all animals, fowls and domestic birds within the town, to impound the same, and default of redemption in pursuance of ordinance, to sell, kill or otherwise dispose of the

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Powers of
Council.

same; to provide for the enclosing, improving and regulating all public grounds belonging to the town in or out of the corporate limits; to provide for the organization and maintenance of police force, and to impose fines, forfeitures and penalties and terms of imprisonment at hard labor or otherwise for the breach of the town ordinance; to provide for the imprisonment of offenders against the ordinances at hard labor on the streets or other work to be designated by ordinance; to compel owners of buildings to erect fire escapes when necessary for public safety or the safety of the occupants thereof; to grant the right of way through streets, avenues and public grounds for the purpose of street and other railways; Provided, that nothing in this section shall be so construed as to deprive any abutting owner from recovering any damage that he may incur by reason of granting such right of way to provide for the construction of sewers and drainage and for keeping them in repair, and to assess the expenses on the property that shall be especially benefited by the improvements in proportion to the amount of said benefit or upon the abutters in proportion to frontage, and upon all lands drained thereby and which received the benefit: Provided, The Council may, by ordinance or resolution provide for the payment of any part of the cost of such work or improvement out of the general tax; the reasonable cost of such construction, improvement or repairs shall be equally assessed against said property, and shall be a lien thereon and be enforced by suit in any court having jurisdiction; to take and appropriate private grounds and private property in manner and form provided by law for condemnation, for widening streets or parts thereof, or for extending same, or for laying out new streets, avenues, alleys or squares, parks or promenades when the public convenience may require it, and to assess the cost and expense pro rata for such improvements upon the property especially benefitted thereby; to require parties or their agents owning property within the town to bring the same to a grade or topographical level by filling or excavations as shall be deemed necessary, the town having and exercising the same right of lien and its enforcement as provided in case of sidewalks and pavements where said work of excavation or filling in shall be done by the town.

Provide.

Provide.

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Compensation of Councilmen.

Sec. 31. Councilmen shall receive such pay for their services as may be provided by ordinance, not to exceed two dollars for each regular meeting at which said Councilmen actually attended.

Council shall agree upon budget of expense for ensuing year

Sec. 32. It shall be the duty of the Council each year to agree on a budget of expenses for the ensuing year, which budget shall designate the regular officers of the corporation for the ensuing year, with the salary of each as provided for by this act, and under general heads such as streets, fire departments, light, water and police, the subject of corporation expenditure, and the estimate amount run out in figures of the probable expenditure for each purpose.

Council to determine number of Committees, etc.

Sec. 33. That Council shall by ordinance or resolution, determine the number of standing committees, the number of which each of said committees shall consist, and shall designate the characters and duties of each; the President of the Council shall appoint such committees annually, as soon after organization as practicable.

Election, terms of office, duties, etc., of Collector.

Sec. 34. The collector shall be elected annually at the general election of officers, shall serve for one year until his successor is elected and qualified. He shall discharge such duties as the Council shall prescribe. It shall be the duty of the collector to collect all taxes on real and personal property in the town of Bowling Green according to the assessment roll delivered to him by the Assessor of Taxes of the town as required by ordinance; to collect all license on trades and occupations provided for in this chapter and ordinances of said town; receive all funds collected, giving receipts for the same; he shall make monthly settlements to the Town Treasurer of all funds coming into his hands, and take the Treasurer's receipt therefor, and shall make a report to the Council monthly or oftener if required by them, of all receipts and payments made to the Treasurer. The Collector shall perform all acts required by him in the collection of taxes and licenses as prescribed by the ordinances of said town, and shall give such bond as the council shall determine for the faithful performance of his duty.

Powers of Marshal, etc.

Sec. 35. That the marshal and every member of the police force shall have the power and authority to im-

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mediately arrest, with or without warrant, and take into custody any person who shall commit, threaten or attempt to commit any offense prohibited by the ordinances of the town, and he shall without unnecessary delay upon making such arrest, convey the offender or offenders before the Mayor, to be dealt with according to law.

Sec. 36. That it shall be the duty of the marshal to attend the council during its sittings, to aid in the enforcement of order under the direction of the President thereof: to execute the demands of the Council from time to time, and to execute all process issued by authority thereof, which shall be to him directed; to attend the Mayor's court during its sittings, to execute the demands of said court from time to time, to aid in the enforcement of order therein, and to perform such other duty as may be prescribed by the ordinances of said town.

Duties of Marshal.

Sec. 37. That the Marshal and members of the police force, in addition to the powers incident to their office, and as herein designated, shall possess common law and statutory authority of constables, except for the service of civil process.

Powers of Marshal and police force.

Sec. 38. That the duties of the Marshal, Clerk, Treasurer and Assessor of Taxes shall be performed by each of respectively, which said duties shall be prescribed by ordinance. The Marshal, Clerk, Treasurer and Assessor of Taxes shall be elected at the general election, serve for one year or until their successor is elected and qualified. Their compensation shall be fixed by ordinance, and shall not be changed during the term of office. The Mayor of said town is empowered by and with the consent of the Town Council to appoint some suitable person as Tax Assessor to serve until the regular election.

Marshal, Clerk, Treasurer and Assessor.

Sec. 39. General elections shall be held on the last Monday in September of each year, and the officers thereat elected shall be sworn into office within ten days thereafter; and until said general election Mr. W. D. Vaughn shall hold the office of Mayor; Messrs T. R. Starke, D. B. Bivins, J. R. Vaughn, A. O. Jones and F. R. Woods shall hold the office of Councilmen; Mr. W. R. Minor shall hold the office of Clerk; Mr. W. R. Minor shall hold the office of Treasurer; Mr. J. W. Durrance shall hold the office of

General election.

Officers to serve until general election.

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Marshal, and Mr. J. W. Durrance shall hold the office of Collector.

Registration,
etc.

Sec. 40. The Council shall require the Clerk to perform the duties of Registration Officer in such manner as may be prescribed by the ordinances of said town. All male persons above the age of twenty-one years who have resided in the State of Florida for twelve months last past, and in the corporate limits of the town of Bowling Green for six months last past, shall be entitled to register. The payment of the State poll tax or capitation tax for two years last past from the time of such election shall be a prerequisite to voting at any general or special election.

Assessments.

Sec. 41. That immediately upon entering upon the duties of his office, the Assessor of Taxes shall proceed to assess all property in the corporate limits, both real and personal, and to fix the valuation thereof; that such Assessor shall complete the assessment on or before the first day of June, at which time the Council shall review the same and make such changes as may seem proper. At the regular meeting in the month of July said Council shall sit as a board of equalization, and shall hear and determine all matters and complaints relating to and touching such valuations and assessments.

Delivery of
assessment
roll.

Sec. 42. On the first day of October in each year the assessment roll shall be delivered to the Collector, who shall proceed to collect all taxes according to said assessment roll.

Delinquent
taxes.

Sec. 43. That all taxes remaining unpaid on the first day of April of each year shall be deemed and considered delinquent, and the Collector shall proceed to collect the same by law. He shall make up a list of all such property on which the taxes remain unpaid, and shall advertise the same in some newspaper published in the town of Bowling Green for the space of four weeks preceeding the day of sale thereof with a notice that he will sell the same to satisfy said taxes and costs; Provided, That the Council may, at its discretion, extend the time for the payment of taxes.

Proviso.

Sec. 44. A list of all property so sold shall be filed with the Town Clerk and Clerk of the Circuit Court of the

County of DeSoto, State of Florida, who shall record the same among the records of lands sold for taxes.

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Sec. 45. At the expiration of two years from the time of such sale, if the owner shall not have redeemed the same by the payment of all costs and the amount of taxes, together with 25 per cent., on such amount, then and in that event the purchaser at such tax sale shall be entitled to a tax deed. The Clerk of the Circuit Court shall make such deed. All redemptions and transfers of tax sale certificate shall be made by the Town Clerk, which may be made at any time before the expiration of two years from the date of said sale.

Purchaser entitled to tax deed if lands are not redeemed.

Sec. 46. All the provisions of the State law for the enforcement and collection of State and county taxes shall avail the said municipal government hereby created as full and completely as if embraced herein in so far as the same does not conflict with the provisions of this charter.

State law to apply to enforcement and collection.

Sec. 47. All the powers, privileges and provisions of the general law for the incorporation of cities and towns when not in conflict with the terms of this act, shall be, and the same are, hereby made a part of this charter.

Law for incorporating cities and towns to apply.

Sec. 48. This act shall go into effect immediately upon its approval by the Governor.

Approved May 7, 1907.

AN ACT to Legalize the Election Held in the City of Bradentown on the 6th day of November, A. D. 1906, to Determine by an Affirmative Vote of a Majority of the Qualified Electors of said City Who Were Resident Owners of Real Estate Within the Corporate Limits of Said City and Who Had Paid Taxes Thereon for the Last Year When Such Taxes Were Due, Whether or Not the Bonds Proposed by an Ordinance Entitled: "An Ordinance to Provide for the Issuing of Bonds of the City of Bradentown and for the Expenditure and Disbursement of Funds Received from the Sale of Said Bonds," passed by the City Council of said City on the 31st Day of August, A. D. 1906, and Approved by the Mayor of said City on the said 31st day of August, A. D. 1906, Should be Authorized and Issued, and to Declare and Render Valid and Legal Said Election and Notice Thereof and the Result as Shown by the Returns Thereof, and to Declare and Render Legal and Valid Said Ordinance and to Authorize the Issue of Bonds as Provided by said Ordinance, and to Declare Valid and Binding all Bonds Which Have or May be Issued Under the Terms of Said Ordinance.

Whereas, Authority is given by Section 22 of Chapter 5337 of the Laws of Florida, Acts of A. D. 1903, to the City of Bradentown to issue bonds for the purpose of constructing and maintaining waterworks; for the purpose of constructing and maintaining a system of sewerage and for the purpose of opening, widening and paving the streets and sidewalks of said city; Provided, however, that before said bonds shall be issued, the issuance of said bonds shall be approved by an affirmative vote of a majority of the electors who shall be resident owners of real estate within the corporate limits of said city and shall have paid taxes thereon for the last year when such taxes were due.

And whereas, an ordinance was duly passed by the City Council on the 31st day of August, A. D. 1906, and approved by the Mayor on the said 31st day of August,

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A. D. 1906, and became an ordinance of said city entitled "An ordinance to provide for the issuing of bonds of the City of Bradentown and for the Expenditure and disbursement of funds received from the sale of said bonds," in which ordinance it is determined that the City of Bradentown shall issue bonds in the sum of twenty thousand (\$20,000) dollars for the purpose of constructing and maintaining waterworks for said city; ten thousand (\$10,000) dollars for the purpose of constructing and maintaining a system of sewerage for said city; fifteen thousand (\$15,000) dollars for the purpose of opening, widening and paving the streets and sidewalks of said city; and

Whereas, a proclamation was duly issued by the Mayor and published as provided by law and the ordinances of said city, calling a special election which was held in said city on the 6th day of November, A. D. 1906, resulting in an approval of the issue of bonds for the purpose mentioned in said ordinance and as therein provided by an affirmative vote of a majority of the qualified voters at said election; and

Whereas, It is important that no question should arise as to the validity of said ordinance and of the said election and of the notice and proclamation, or as to the validity of the bonds provided for in said ordinance and which have or may be issued in pursuance thereof; therefore

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the said ordinance heretofore mentioned and the said election held in the City of Bradentown on the 6th day of November A. D. 1906, and notice and proclamation thereof in pursuance of said ordinance and all proceedings had relative thereto prior to the delivery of the said bonds to the purchaser or purchasers thereof, be and the same are hereby legalized and declared to be valid and binding in every respect.

All proceedings prior to delivery of the bonds legalized.

Sec. 2. The City of Bradentown is hereby authorized to proceed with the issuance and sale of bonds to the amounts and for the purposes above mentioned, to-wit In the sum of twenty thousand (\$20,000) dollars for the

City authorized to proceed with the issuance for water-works.

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Sewerage.

Sidewalks
and streets.

Bonds.

Bond issue
legalized.

purpose of constructing and maintaining waterworks for said city; in the sum of ten thousand (\$10,000) dollars for the purpose of constructing and maintaining a system of sewerage for said city; in the sum of fifteen thousand (\$15,000) dollars for the purpose of opening, widening and paving the streets and sidewalks of said city, and the bonds of the said city of Bradentown, which have or may be issued in pursuance of said ordinance and such ordinances as may be passed in connection therewith, are hereby declared to be valid in manner and form and effect as issued and to be binding and to have full force, virtue and effect in law and in equity against the said City Bradentown, and binding upon the said city and the entire taxable property for the payment of the principal sum and interest thereon when due and payable, according to the provisions of said ordinance. The fact that said bonds are or shall be made payable in gold shall not effect their validity.

Sec. 3. The issuance of said bonds in the amount and for the purposes mentioned and determined in said ordinance is hereby declared to be legal and valid; and they shall not be held invalid on account of any irregularity or illegality or defect whatsoever in any proceeding had or taken for the issuance and sale of the same and all irregularities and illegalities, defects, omissions and want of power in any proceeding relative thereto are hereby cured.

Sec. 4. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 5. This act shall take effect immediately upon its passage and approval by the Governor.

Approved April 19, 1907.

AN ACT to Amend Section 2 of Chapter 5487 of the Laws of Florida, entitled "An Act to Amend Sections 54, 55, 70 and 84, and to repeal Section 81 of Chapter 5337 of the Laws of Florida, entitled 'An Act to Incorporate the City of Bradentown, and to Provide for its Government and to Provide for and Declare its Jurisdiction and Powers,'" approved May 15th, 1905.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 2 of said act be and the same is hereby amended so as to read as follows:

"Section 55. For ordinary purposes the rate shall not exceed ten (10) mills on the dollar. A special tax may be levied not exceeding ten (10) mills on the dollar to create a sinking fund for the payment of the city's bonded indebtedness, or for the interest thereon, and for the discharge of any judgments obtained against the city, the payment of which may be compelled by mandamus. A further special tax may be levied on the taxable property in said city not exceeding ten (10) mills on the dollar, for the exclusive purpose of opening, widening, paving and improving the streets of said City of Bradentown, and for providing suitable drainage sewers for any of said streets. A further special tax may also be levied on the taxable property in said city not exceeding one (1) mill on the dollar to be used for the exclusive purpose of city advertising, provided said one (1) mill tax shall not be levied and except the same shall be authorized by a majority vote of the electors of said City of Bradentown, qualified to vote at a bond election, at an election called for that purpose.

Sec. 2. That all laws in conflict with this act are hereby repealed.

Sec. 3. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 27, 1907.

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CHAPTER 5794—(No. 199).

AN ACT to Legalize the Incorporation of the Town of Campbellton, in Jackson County, Florida, and to Declare the Incorporation and Ordinances of the Town of Campbellton Valid and of Full Force and Effect.

Be it Enacted by the Legislature of the State of Florida:

Declared in-
corporated.

Section 1. That the town of Campbellton, in Jackson County, Florida, incorporated under the general statutes of the State of Florida for incorporating cities and towns in this State, be, and the same is hereby declared in all respects a legally incorporated town, with all the powers incident thereto, under the laws of this State.

Ordinances,
acts, etc.,
legalized.

Sec. 2. That all ordinances heretofore passed and all acts heretofore done and performed by and through the Town Council, Mayor, and other officials of said town, are hereby declared to be of full force and valid, and binding in law and equity.

Sec. 3. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 21, 1907.

CHAPTER 5795—(No. 200).

AN ACT to amend "An Act to Incorporate the Town of Carrabelle, Franklin County, Florida," approved May 11, 1893.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1 of an act entitled "An act to incorporate the Town of Carrabelle, Franklin County, Florida," approved May 11, 1893, be amended so as to read as follows:

Boundaries
of corporate
limits.

Section 1. That the corporate limits of the town of Carrabelle, Florida, shall be, and are hereby defined as follows, to-wit: Begin at the northeast corner of Section 20,

in Township 7, south of Range 4, West, on James Island, in Franklin County, Florida, and run thence west to the Carrabelle River at low water mark, thence down the said river, following the line of the low water mark, and around the shore of the bay, following the line of the low water mark, to where the east boundary of Section 29, in Township 7, south of Range 4, West, would, if extended, strike the low water mark of the bay, thence North on the east boundary of Sections 29 and 20 to the northeast corner of Section 20, the place of beginning, embracing within said limits, fractional sections 20 and 29 and that part of fractional section 19 on James Island, in Township 7, south, of Range 4, West, and the shore of the river and bay fronting said sections to low water mark.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 3. That this act shall take effect on its passage and approval by the Governor or on its becoming a law without such approval.

Approved June 7, 1907.

CHAPTER 5796—(No. 201).

AN ACT to Legalize and Confirm the Incorporation of the Town of Cottondale, in Jackson County, Florida, and to Declare the Same a Legally Incorporated Town.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the organization of the town of Cotton-
dale, in Jackson County, Florida, as a municipal corpora-
tion, heretofore undertaken to be effected under the Gen-
eral Law of this State for the incorporation of cities and
towns, be and the same is hereby ratified and confirmed;
and the said town of Cottondale is hereby declared to be a
legally incorporated town, with all the powers, privileges,
rights and franchises conferred upon such towns by the
General Laws of this State.

Incorporation of Cot-
tondale
legalized.

Sec. 2. That the acts and deeds performed in the or-
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Acts, deeds,
etc., legal-
ized.Officers
legalized.

ganization and incorporation of said town are hereby declared valid and legal; and all acts and deeds done by and through the Mayor, and the Town Council and other officers of said town, within the powers conferred upon such town and officers, by the laws of this State, are hereby ratified and confirmed, and declared to be legal and valid.

Sec. 3. That the several persons now exercising the duties and functions of the various offices of said town are hereby declared to be the legal officers of said town, and they shall continue to exercise the duties and functions of their respective offices until their successors are legally elected and qualified.

Sec. 4. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 1, 1907.

CHAPTER 5797—(No. 202).

AN ACT to Legalize and Confirm the Incorporation of the Town of Cottondale, in Jackson County, Florida, and to Declare the Same a Legally Incorporated Town.

Be it Enacted by the Legislature of the State of Florida:

Incorporation, of Cot-
tondale
legalized.

Section 1. That the organization of the town of Cottondale, in Jackson County, Florida, as a municipal corporation, heretofore undertaken to be effected under the General Law of this State for the incorporation of cities and towns, be and the same is hereby ratified and confirmed; and the said town of Cottondale is hereby declared to be a legally incorporated town, with all the powers, privileges, rights and franchises conferred upon such towns by the general laws of this State.

Acts, deeds,
etc., legal-
ized.

Sec. 2. That the acts and deeds performed in the organization and incorporation of said town are hereby declared valid and legal; and all acts and deeds done by and through the Mayor, and the Town Council and other officers of said town, within the powers conferred upon such towns and officers, by the laws of this State, are

hereby ratified and confirmed, and declared to be legal and valid.

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Sec. 3. That the several persons now exercising the duties and functions of the various offices of said town are hereby declared to be the legal officers of said town, and they shall continue to exercise the duties and functions of their respective offices until their successors are legally elected and qualified.

Officers
legalized.

Sec. 4. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 7, 1907.

CHAPTER 5798—(No. 203).

AN ACT to Legalize and Confirm the Incorporation of the Town of Cypress in Jackson County, Florida, and to Declare the Same a Legally Incorporated Town.

Be it Enacted by the Legislature of the State of Florida :

Section 1. That the organization of the Town of Cypress in Jackson County, Florida, as a municipal organization hereby undertaken to be perfected under the general laws of this State, for the incorporation of cities and towns, be, and the same is, hereby ratified and confirmed and the said town of Cypress is hereby declared to be a legally incorporated town with all the powers, privileges, rights and franchises conferred upon such towns by the general laws of this State.

Organisation
of the town
of Cypress
legalized.

Sec. 2. That the acts and deeds performed in the organization and incorporation of said town are hereby declared valid and legal, and all acts and deeds done by and through the Mayor and Town Council and other officers of said town, within the powers conferred upon such towns and officers by the laws of this State, are hereby ratified and confirmed and declared to be legal and valid.

Acts, deeds,
etc., legal-
ized.

Sec. 3. That the several persons now exercising the duties and functions of the various offices of said town are hereby declared to be legal officers of said town and they

Officers
legalized.

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shall continue to exercise the duties and functions of their respective offices until their successors are legally elected and qualified.

Sec. 4. That this act shall take effect immediately upon its passage and approval by the Governor or upon its becoming a law without his approval.

Approved May 21, 1907.

CHAPTER 5799—(No.204).

AN ACT Declaring the Town of Dania, in the County of Dade and State of Florida, to be a Legally Incorporated Town.

Be it Enacted by the Legislature of the State of Florida:

Town of
Dania de-
clared incor-
porated.

Section 1. That the town of Dania in the County of Dade, State of Florida, incorporated under the general law for incorporating towns in this State, is hereby declared to be in all respects a legally incorporated town with all the powers incident thereto under the laws of this State.

Ordinances,
acts, etc.,
legalized.

Sec. 2. That all ordinances heretofore passed, and all acts and deeds, heretofore done by and through the Mayor, Town Council, Tax Collector and Assessor or other officers of said town, not in conflict with the laws of this State, are hereby declared legal and valid.

Sec. 3. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 22, 1907.

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CHAPTER 5800—(No. 205).

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AN ACT to Provide for the Issue of Bonds by the Town of DeFuniak Springs for the Construction of a System of Waterworks and Sewerage and a Public School Building, and Providing for the Payment of the Interest on, and the Principal of Such Bonds.

Whereas, At an election held in and for the town of DeFuniak Springs, Florida, on Tuesday the 19 day of February, A. D. 1907, pursuant to and under the provisions of Sections 1060, 1061 and 1062 of the General Statutes of Florida, and of Chapter 5465 of the Laws of Florida, it was determined by the voters of the said town possessing the necessary qualifications therein prescribed that bonds of the said town to the amount of twenty thousand dollars be issued for the purpose of constructing a system of waterworks, that bonds to the amount of three thousand dollars be issued for the purpose of constructing a sewerage system, and that bonds to the amount of ten thousand dollars be issued for the purpose of constructing a public school building, for said town, all of said bonds payable in twenty years and bearing five per cent interest; therefore,

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the Town Council of the said town of De Funiak Springs, Florida, be and it is hereby authorized to procure and cause to be engraved, issued and sold, bonds of the said town to the amount of twenty thousand dollars for waterworks, bonds of said town to the amount of three thousand dollars for sewerage, and bonds of said town to the amount of ten thousand dollars for public school building, said bonds to be of such form, denomination and with such interest coupons, as said Town Council may deem expedient bearing interest from date of said bonds at the rate of five per cent per annum, interest payable semi-annually, said bonds redeemable in twenty years from their date.

Town of De Funiak Springs authorized to issue bonds.

Sec. 2. That the said Town Council shall levy and have collected such spec ailtax upon the taxable property within the corporate limits of the said town of De Funiak

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Springs, Florida, as may be necessary to provide funds for the payment of the said interest upon the said bonds as it becomes due, and to create such sinking fund for the ultimate payment and redemption of the said bonds at maturity as they may deem proper.

Sec. 3. That this act shall take effect from the date of its passage and approval.

Approved May 7, 1907.

CHAPTER 5801—(No. 206).

AN ACT to Abolish the Municipality of the Town of Estero in Lee County.

Be it Enacted by the Legislature of the State of Florida:

Abolishment. Section 1. That the municipal corporation of the town of Estero, heretofore incorporated under the General Laws of the State of Florida, in the County of Lee, is hereby abolished.

Repeal. Sec. 2. That all laws and parts of laws in conflict with this act is hereby repealed.

Effective. Sec. 3. That this act shall take effect immediately upon its passage and approval by the Governor.
Became a law without the approval of the Governor.

AN ACT to Enable the City of Fernandina, Under and in Accordance with the Provisions of this Act, to Provide for the Paving of Any Street or Part of Street in Said City. To Subject, in Every such Case, the Lots or Parcels of Land, Fronting or Abutting on any Street or Part of Street, so Paved, to a Lien, in Favor of Said City, for a Specified Part of the Cost of the Work and Material; the Amount to be Estimated and Apportioned Among Such Lots, as Hereby Provided; to Authorize the Enforcement and Collection by said City of the Liens, as Apportioned, by Assessment or Otherwise, as Provided; to Provide for the Keeping of a Proper Record of Such Liens and to Limit the Time Within Which Their Validity may be Questioned; and to Authorize said City to Issue Paving Certificates of Indebtedness, Within Certain Limits as Hereby Provided, Based Upon such Liens.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the Mayor and City Council of the City of Fernandina, be and are hereby authorized and empowered, by ordinance, under and in accordance with the provisions of this act, to provide for the paving of any street or part of street in said city. The provisions of this act shall apply equally to repaving as to paving in the first instance, although paving only be referred to in terms. The word "lot" or "lots," wherever used in any section of this act, shall be construed to mean any lot or lots, pieces or parcels, or other subdivision or subdivisions of land; and the word "street" wherever used shall be construed to mean street or part of street, alley or lane; and the word "work" shall be construed to include the purchase of all things necessary to be purchased and the doing of all things necessary to be done under the ordinance; and the liens hereby created shall carry interest and all cost and expense of publication of notices, and of collection, including reasonable Attorneys or Solicitors fees and commissions and court costs.

Paving.

Construction of the word "lot" or "lots."

Word "street."

Word "work."

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Pavings,
liens, etc.

Sec. 2. Whenever it shall be deemed advisable to pave any street in said city, the Mayor and City Council shall be authorized, and empowered, by ordinance, in accordance with the provisions of this act, to provide for the work being done by the lowest and best responsible bidders in compliance with plans and specifications adopted, specified or referred to by such ordinance, and required to be kept on file and open to inspection in the City Clerk's office, or elsewhere as designated by said ordinances; and two-thirds of the cost of the work, with interest thereon from date of completion, shall be a lien, superior to all other liens, excepting only liens for taxes, upon the lots fronting or abutting upon the street or part of street so paved, and the remaining one-third of such cost shall be paid by the city, excepting that where part of the cost shall be paid by a street railway company, or other user of the street, the amount so contributed by such user of the street, shall be first deducted, and the city shall pave one-third and have a lien for two-thirds of the remainder; and the lien for two-thirds of the cost of the work shall be distributed among the several lots fronting or abutting upon such street or part of street, per foot front in proportion to frontage thereon; and two-thirds the cost of the work, with interest thereon, may be assessed as a special tax against said lots in proportion to frontage on such street or part of street so paved, or the lien for the cost, with interest, may be enforced against the property by suit at law or in equity.

Ordinance to
be published,
etc.

Sec. 3. The ordinance providing for and requiring the doing of such work, together with the amount estimated to be the necessary cost of such work, and the estimated cost to lot owners per front foot, shall be published once a week for four successive weeks, in a newspaper published in said city, with a notice of a time, not less than forty days after the first publication of such notice and place, when and where, the City Council will meet to hear and consider and act upon petitions submitted to them seeking a correction or reduction of the amount assessed against each lot as a lien for the cost of such work; within ten days after the first publication of said notice, the City Council shall prepare and file with the City Clerk an estimate of the amount of the lien for such work, which the city will claim against each of the lots fronting or abutting on the street so paved, which estimate

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shall be based upon the estimated cost of said work and upon the frontage of the lots upon the street so paved. The said estimates shall be kept in the City Clerk's office open to public inspection, during reasonable office hours, from the time of filing the same until the City Council shall have acted upon all petitions as hereinafter provided.

Sec. 4. Any person owning any lot or lots on the street so paved, or any interest therein or having a lien thereon, shall have the right at any time within thirty days after the filing with the City Clerk, as provided in the preceding section of the estimate of the amount of lien which the city will claim against each of said lots, and until the time fixed in the notice published for the meeting of the City Council to consider petitions, to file, with the City Clerk, a sworn petition to the City Council, stating his interest in the property and alleging that in the opinion of the petitioner, the estimated amount of such lien upon such lot or lots, specified in the petition, is incorrect and wherein it is incorrect and will exceed the special benefit accruing from the work to such lot or lots. If such petition to the City Council is filed with the City Clerk the City Council shall hear and consider the petition and make proper inquiry into the questions involved; and if it shall appear to their satisfaction, that the estimated amount of said lien is incorrectly estimated or will exceed the special benefit accruing to said lot, then the City Council shall by resolution so declare, and shall make the necessary correction and fix the amount to be charged against such lot, at an amount not exceeding, in the discretion of the City Council, the special benefits accruing to such lot, and the amount so fixed shall stand as the amount of such lien, and any amount of cost in excess thereof, shall be paid by said city.

Petitions,
liens, pro-
tests, etc.

In all cases where no petition shall be filed within the time provided in this section, the amount of the lien, as estimated, as provided in the foregoing section, unless changed for cause by the City Council, shall stand fixed as the amount of the City's lien. The City Council, after giving all persons who have filed their petitions an opportunity to be heard and having made all the corrections in their judgment necessary to equalize the assessments in

Ratification
of assess-
ments, liens,
etc.

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proportion to the benefits, shall approve and ratify the said estimate by resolution, after which said estimate shall stand as true and correct.

Work let to lowest bidder, estimated cost subject to change by ordinance, etc.

Sec. 5. The City Council, after not less than thirty days' notice, published once a week for four successive weeks in a newspaper published in said city, and not less than sixty days after first publication of the ordinance, shall let to the lowest and best responsible bidders a contract or contracts for the doing of the work required to be done and for furnishing the materials required to be furnished, but the total cost, including all necessary cost of engineering and inspecting, shall not exceed the estimate thereof made and filed as hereinbefore provided; and if it shall be found impracticable to do the work at the estimated cost thereof, the City Council and Mayor may repeal the ordinance existing by an ordinance, and provide for the work being done under a second estimate in the same way as if the second ordinance and contracts were an original proceeding.

Record of costs, etc.

Sec. 6. As soon as practicable and within thirty days after the completion of the work required by the ordinance to be done the City Council shall have prepared a statement of the cost thereof, and shall have entered in a book to be kept by the City Clerk and to be known as the "Street Improvement Lien Book," the amount of such cost chargeable to each lot, the date of completion of the work, the lot upon which each lien is claimed, and such information as the City Council may deem advisable; Provided, That no lot shall be charged with a lien greater in amount than the estimate of such lien, as approved and ratified by resolution of the City Council; and if the actual cost of such work is found to be less than the estimated cost, the amount of the lien against each lot shall be proportionately reduced from the estimate of such lien, as approved and ratified by the City Council; as soon as said entry shall have been made in said "Street Improvement Lien Book," the City Council shall cause to be published a notice of the completion of such work and the entry in said "Street Improvement Lien Book," of the lien claimed therefor, which notice shall contain a statement of the total cost of the work and of the total frontage of lot liable to liens therefor, and the amount of liens per foot front claimed by the city;

Proviso.

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if the price of said lien is tendered to the city within thirty days after the publication of said notice, no interest thereon shall be charged, but otherwise there shall be collected interest thereon from date of completion of the work. In no event shall the amount or the validity of such liens, as entered in said "Street Improvement Lien Book" be questioned in any direct or collateral proceeding, instituted more than three months after the publication of said last mentioned notice, a copy of the entry of any such lien in the "Street Improvement Lien Book," certified by the City Clerk, under the corporate seal of the city, shall constitute prima facie evidence of the amount and existence of the lien upon the property described.

Interest, etc.

Prima facie evidence of amount and existence of lien.

Sec. 7. That the City Council and Mayor are hereby authorized to issue paving certificates of indebtedness based upon said liens, and may pledge the proceeds of said liens to the payment of such certificates, which certificates shall not be sold at less than par and accrued interest, and shall be payable as provided by ordinance; not less than ten per cent of said certificates shall be payable each year after issuance, with interest thereon as fixed by ordinance. No certificate shall be issued against any lien, the validity of which has been questioned in any direct or collateral proceedings instituted within three months after the publication of the notice of the completion of the work. Any person or persons owning or interested in any lot upon which such lien exists, after issuance of the certificate or certificates pledging such liens, shall pay off such lien in such installments as may be provided by ordinance to meet the interest and principal of said certificates, but such lien shall draw interest, payable to the city quarterly, at the rate of six per cent per annum, and a failure to pay any installment of interest or principal, within the time prescribed by the ordinance shall cause the whole amount to become due and payable, and it shall be the duty of the municipal authorities to enforce, for the benefit of the holders of such certificates, the payment of any such lien, in all cases where the owner is in default as to payment of any installment of interest or principal for a space of three months.

Paving certificates, etc.

Sec. 8. That none of the provisions of this act shall

1907. apply to the construction, paving or repaving of any side walk or foot pavement in said city.

Sec. 9. That this act shall go into effect and become operative immediately upon its passage and approval by the Governor.

Approved May 21, 1907.

CHAPTER 5803—(No. 208).

AN ACT to Incorporate the Town of Floral City in Citrus County, Florida, to Provide for its Government, Jurisdiction, Powers and Privileges.

Be it Enacted by the Legislature of the State of Florida:

Establishment and territorial limits.

Section 1. That a municipality to be called the town of Floral City, is hereby established in Citrus County, Florida, the territorial area of which shall be as follows: All of Section fifteen (15) and the south half of the south half of Section ten (10), also the west half of the west half of Section fourteen (14). All in township twenty (20) south, range twenty (20) east.

Powers.

Sec. 2. That said corporation shall have perpetual succession, sue and be sued, plead and be impleaded, and may purchase, lease, receive and hold property, real and personal, within said town; and may sell, lease or otherwise dispose of the same for the benefit of the town; and may purchase, lease, receive and hold property, real and personal, beyond the limits of the town, to be used, for the burial of the dead, for the erection of waterworks, for the establishment of poorhouses, pest houses and houses of detention and correction, for public parks and promenades, and for any other public purpose, and may sell, lease or otherwise dispose of such property for the benefit of the town, to the same extent as natural persons may. Said town shall have and use a common seal which may be changed by the Town Council at pleasure.

Corporate authority.

Sec. 3. That the corporate authority of the town shall be vested in a Mayor, Town Council, Clerk and Collector of Taxes, Treasurer and Assessor of Taxes, Marshal and

other officers as may be appointed or elected in pursuance of law.

No person shall be eligible to any of said offices, save and except the office of Marshal who shall not be a citizen of the State of Florida, and who shall not be a resident and legal voter of the town. ^{Eligibility to office.}

Sec. 4. The Mayor shall be elected for the term of two years and shall hold office until his successor is elected and qualified, by the qualified electors of the town. His compensation shall be fixed by ordinance, but shall not be changed during his term of office, provided the compensation of the first Mayor may be fixed by the Town Council first elected. ^{Mayor.}

Sec. 5. The Mayor shall have jurisdiction to try all offenses against the town ordinance; to see that the ordinances of the town are faithfully executed; to have power by warrant, to have brought before him any person charged with a violation of a town ordinance; to require the attendance of witnesses for the town and the defendant; to administer oaths; to inquire into the truth or falsity of all charges; to decide on the guilt or innocence of the accused, and fix by his sentence the penalty, and to see that the same be enforced as by law or ordinance may be prescribed; to pardon and release persons convicted by him, and to have and exercise all the powers incident and usual to the due enforcement of his jurisdiction. He shall keep a record and minutes of his official acts, and may require the Town Clerk and Treasurer to make and preserve this record from his minutes. When in his opinion the public good requires, he may appoint and discharge special policemen. ^{Jurisdiction, powers and duties of Mayor.}

Sec. 6. The Mayor shall have power to bid in or have bid in property of the town at all tax sales and judicial sales, and sales under the process of law, when the town is a party; to make pro tempore appointments, to fill vacancies caused by sickness, death or disability or removal of any town officer, and to suspend any town officer for misconduct in office or neglect of duty, reporting his action with reason therefor, in writing at the next regular meeting of the Town Council for its approval or rejection; but he shall not have the power to suspend mem- ^{Powers of Mayor.}

1907. bers of the Town Council or fill vacancies in the membership of the same.

Power of
Mayor to call
meetings of
Council.

Sec. 7. The Mayor shall have power to call special meetings of the Town Council, and when called, he shall state the object for which called, and the business of such meeting shall be confined to the object stated.

Powers of
Mayor.

Sec. 8. The Mayor shall have general supervision over all town officers except members of the Town Council, and may examine into the condition of their offices, the books, papers and records there in, and the manner of conducting their official business; and he shall report to the Town Council all violations or neglect of duty on the part of any town official that may come to his knowledge.

Approval of
ordinances
by Mayor.

Sec. 9. Every ordinance passed by the Town Council, before becoming a law, shall be presented to the Mayor, if he approves the same he shall sign it; but if not, he shall return it with his objections in writing to the next regular meeting of the Town Council for its reconsideration, and if the Town Council shall pass the ordinance by a two-thirds vote of the members present it shall become a law. He may veto any part of an ordinance and approve the residue. If he shall fail to return any ordinance at or before the next regular meeting after its passage, he shall be deemed to have approved the same, and it shall become a law without further action.

Duties of
Mayor.

Sec. 10. The Mayor may communicate from time to time to the Town Council such information, and recommend such measures, as may tend to the interests of the town, and shall report violations and neglect of duty on the part of any town officer that shall come to his knowledge, and shall take care that all laws and ordinances of the town are duly respected and observed, and shall perform such other duties as the ordinances of the town may require of him.

Mayor may
be im-
peached for
certain
causes.

Sec. 11. The Mayor may be impeached by the Town Council for misfeasance, malfeasance or non-feasance in office, for drunkenness or gross immorality; and two-thirds of the members of the Town Council may remove him from office. Should charges at any time be preferred against the Mayor, the Town Council shall proceed without any unnecessary delay to investigate and decide them.

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Sec. 12. In case of the death or absence of the Mayor from the town, or his inability from sickness, or from any other cause, to discharge the duties of Mayor, the president of the Town Council shall discharge the duties of Mayor pro tempore, or until the office of Mayor shall be filled by law in such manner as may be provided by ordinance.

In case of the death or absence of Mayor.

Sec. 13. The Town Council shall be composed from (5) councilmen, who shall be elected for a term of two (2) years by the qualified voters of the town. At the first meeting of the councilmen, after the election, the members shall elect one of their number to be President of the Town Council, and he shall have power to enforce such rules as may be adopted by the Board for its own government, and in the absence of the President, the members may choose or elect one of their members president pro tempore.

Town Council.

Sec. 14. The Town Council shall judge of the qualification, election, and return of its members; it may choose its regular procedure, and may prescribe a penalty for non-attendance of its members and for disorderly conduct at the meetings thereof, and enforce the same. And two-thirds of the members concurring, it may expel a member for improper conduct in office. A majority of the members of the council shall be required to form a quorum for the transaction of business.

Power of Council regarding its members, etc.

Sec. 15. The Town Council may hold meetings at such times as it may determine, holding not less than one regular meeting per month.

Meetings.

Sec. 16. The Town Council shall have power and is hereby authorized, to create such offices and to provide by ordinance for the appointment or election of all officers, and to provide for the appointment of such employees as shall be necessary for the good government of the town, whose compensation and term of office shall be fixed before their election or appointment, and their compensation shall not be increased or diminished during their term of office. The Town Council shall have power to abolish at any time any office created by them and to discharge any officer elected or appointed by them, but shall not abolish any office created under this act.

Powers of Council.

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Incumbents
required to
give bond.

Sec. 17. All incumbents of offices created by this act or created by town ordinance, shall be required to give such bond as the Town Council may demand of its employees or appointees, such bond as it shall deem fit, in case there is no ordinance requiring such bond.

Sec. 18. No councilman shall be eligible to any other town office.

Compensation
of officers.

Sec. 19. The Town Council shall fix the compensation of all officers by ordinance before the election or appointment of the incumbents of such offices, which compensation shall not be changed during their term of office; Provided the Town Council may fix the compensation of the first officer's elected under this act, during their term of office.

Powers of
Mayor and
Council.

Sec. 20. The Mayor and Town Council, within the limitations of this act, have power by ordinance to levy and collect taxes upon all property and privileges, taxable by law for state purposes; to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations, to prevent the introduction of contagious diseases into the town, and to make quarantining laws for this purpose, and to enforce the same within two miles of the town; to establish hospitals, jails, houses of detention and correction, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants, and to prevent, abate and remove nuisances; to provide the town with water, by waterworks within or beyond the boundary of the town; to provide for the prevention and extinguishment of fires, and to organize and establish fire departments; to provide for the lighting of the town, by gas, electricity or in any other manner; to make appropriations to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair streets, alleys and sidewalks; to erect and establish and keep in repair culverts, sewers and gutters; to make appropriations for lighting the streets and public buildings, and for the erection of all buildings necessary for the use of the town; to have full power and authority to levy and collect any amount of occupational tax on any business, they may see fit not to exceed fifty per cent. of the State tax; to license, tax and regulate, auctioneers, taverns, peddlers, and retailers of liquor or other intoxicating be-

erages, and all other privileges taxable by the State; to regulate, license, suppress or prohibit any theatrical or other exhibition, show, circus, parade and amusement; to regulate or prohibit or suppress all gambling houses, disorderly houses, obscene pictures and literature; to regulate and license the sale of firearms and to suppress the carrying of concealed weapons; to regulate and establish markets; to provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the town, by day or by night, and for the punishment of all breaches of the peace, noise, and disturbance and disorderly assemblies; to pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation; to impose penalties upon the owners, occupants or agents of any house, walk or sidewalk or other structure which may be dangerous or detrimental to the citizens, unless after due notice, in the manner to be provided by ordinance, the same be removed or repaired; to provide for enclosing, improving and regulating, all public grounds belonging to the town; to provide for the appointment of a police force; to impose fines, forfeitures, penalties and terms of imprisonment at hard labor or otherwise, for a breach of any town ordinance, but no penalty shall exceed three hundred dollars (\$300), and no term of imprisonment shall be for a longer time than three (3) months for the same offense; to regulate and provide for the construction and paving of streets, and for the construction and repair of sidewalks and foot-pavements; to provide for the construction of sewers and drainage, and for keeping them in repair, and to assess the expense upon the property which shall be especially benefitted by the improvement, in proportion to the amount of such benefit, or upon the abutters in proportion to the frontage, or upon the lands drained and which receive the benefit; the reasonable costs of such construction and repairs shall be equally assessed against such property, and shall be a lien thereon, and enforced by suit in any court having jurisdiction; to take all appropriate grounds for widening the streets or any part thereof, or for laying out new streets or avenues, when the public convenience may require it; and to assess the costs and expenses of the same upon the property

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especially benefitted thereby, in the manner herein law provided, in the case of sewers and drainage; to provide by ordinance for working persons convicted under the ordinances of the said town, to work on the streets, drains, sewers, public grounds and buildings of said town as may deem proper. And to have all such other powers as law are conferred upon municipalities.

Budget of
expense.

Sec. 21. It shall be the duty of the Town Council to agree on a budget of expense for the ensuing year, which shall designate the offices of the corporation for the year with the salary of each, and under the general head such as streets, fire department, police force, etc., the subject of corporation expenditures, and the estimated amount of probable expenditure for each purpose. And the same shall be posted in said town.

Persons
commissioned to
hold first
election.

Sec. 22. The following persons are hereby constituted and election commissioned to hold a first election provided for in section III of this act, to-wit: T. I. Woods, J. Williamson, G. C. Watson and J. E. Dawsey.

Election.

Sec. 23. The first election of all the elected officers enumerated in this act shall be held by the Commissioners herein constituted, pursuant to the regulations which may be adopted by the Commissioners of Election hereinafter mentioned, and to the general election laws of the State of Florida as near as the same may be applicable, on the first day of July, A. D. 1907, and the said election commissioners shall decide and certify the correct result of the ballot polled at said first election with the full number of votes cast for each person voted for, for each office and shall file the same with the Town Clerk immediately upon qualification, and the persons receiving the highest number of votes shall be sworn into office by some person authorized to administer oaths on the sixth day of July, 1907, thereafter and shall immediately enter upon the duties of their office and hold office until the election and qualification of their successors by general election at such time and under such provisions as shall be provided by the Town Council provided by ordinance. The officers first elected shall hold office for a term of two years and thereafter general elections shall be held annually at such times and in such manner as shall be provided by ordinance.

Special
elections.

Special elections may be held as provided by ordinance to fill any vacancies which may occur in any elective office.

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All persons entitled to vote for members of the general assembly of the laws of the State of Florida, and who shall have resided the limits of the town for six months next preceeding the election shall be deemed legal electors at said first election as provided herein, and the Election Commission herein provided for shall be the judge of the qualification of said electors.

Legal electors.

Sec. 24. The Town Council shall prescribe by ordinance the qualification and registration of electors, the form of ballot to be used, the nature and time of notice to be given of general and special elections, the manner of conducting, the manner of making returns, the canvassing the votes and declaring the results of the election in all elections held in said town after the said first election.

Council shall prescribe election requirements, etc.

Sec. 25. A Town Marshal shall be appointed by the Town Council at its first regular meeting and shall hold office for the term of one year and until his successor is appointed and qualified, whose duties shall be such as may be prescribed by law and the Town Council; Provided the Town Council first elected under this act, shall immediately upon their qualification, appoint a Town Marshal who shall serve for one year and until the Town Marshal shall be appointed and qualified as provided by this section.

Marshal.

Proviso.

A Town Clerk and Collector of Taxes shall be elected at the first election and thereafter bi-annually at the general election as may be prescribed by ordinance, whose duties shall be prescribed by the ordinances of the said Town Council. And who shall hold office for two years and until his successor is elected and qualified.

Town Clerk and Collector of Taxes.

Sec. 27. A Town Treasurer and Assessor of Taxes shall be elected at the first election and thereafter bi-annually, whose duties shall be prescribed by the ordinances of the Town Council. And who shall hold his office for the term of two years and until his successor shall be elected and qualified; Provided, however, that the Town Council by ordinance may combine the office and Clerk and Treasurer and the same may by ordinance be filled by one person.

Town Treasurer and Assessor of Taxes.

Sec. 28. All property which is subject to State taxes, shall be assessed and levied for taxation for the entire

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Assessments. town, except such property as may be exempted from taxation by ordinance. The assessment of taxes shall be made by the Assessor of Taxes under the laws by which said property is assessed for State and county taxes. Privileges may be licensed and taxed by the town in the manner provided by town ordinance.

Rate of tax. Sec. 29. The said corporation shall not have power to levy in any year, for ordinary corporation purposes, a higher rate of tax than 15 mills of the assessed value of the property within its limits.

Erroneous assessments. Sec. 30. The Town Council shall provide by ordinance for the correction of erroneous assessments, for the assessments of property omitted by the Assessor and for defects in assessment, for reduction on assessment and for increase thereof to equalize the assessment.

Power of Collector to issue distress warrants. Sec. 31. The Collector of Taxes shall have power to issue distress warrants in the name of the town to enforce collections, and the same may be executed by the Town Marshal, or any constable or sheriff. All taxes and assessments shall be a lien on the property assessed, until the same shall be paid or the same shall be sold therefor. Such lien, if on real estate, may after return null bona of the distress warrant be enforced as other liens. All unpaid taxes or assessments may be collected by suit in courts of law or equity.

Costs. The costs of all suits and proceedings for the collection of all unpaid taxes or assessments, including a reasonable attorneys fees, shall be recovered by suit.

Sales and assessments for unpaid taxes. Sec. 32. Nothing in the foregoing section shall be construed as to prevent collectors from making the sale or certification of realty for unpaid taxes or assessments in the manner now provided, or which may hereafter be provided by law, for the collection of taxes by incorporated cities or towns.

Ordinances must be published. Sec. 33. All ordinances passed by the Town Council before they shall have the effect of law, shall be published or posted within the aforesaid corporate limits in a manner and for the time to be prescribed by ordinance.

Proof of ordinances. Sec. 34. All ordinances, resolutions or proceedings of the Town Council may be proved by the seal of the corporation.

poration, attested by the Town Clerk, and when printed and published by the authority of the corporation, the same shall be received in evidence, in all courts, and places without further proof.

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Attestation
of ordinance,
evidence,
etc.

Sec. 35. That this act shall take effect from and after its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5804—(No. 209).

AN ACT to Revoke and Abolish the Present Municipal Government of the Town of Fort Brooke.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the municipal organization of the town of Fort Brooke in the County of Hillsborough is hereby abolished, and all acts or portions of acts inconsistent with this act are hereby repealed.

Abolishment.

Repeal.

Sec. 2. This act shall go into effect immediately upon its passage and approval by the Governor.

Approved May 17, 1907.

CHAPTER 5805—(No. 210).

AN ACT to Abolish the Present Municipal Government of the Town of Ft. Pierce, in the County of St. Lucie, and State of Florida, and to Establish, Organize and Constitute a Municipality to be Known and Designated as the City of Fort Pierce, and to Define its Territorial Boundaries, and to Provide for its Jurisdiction, Powers and Privileges.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the present municipal government of the town of Fort Pierce is hereby abolished.

Abolishment.

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Establish-
ment.

Sec. 2. That a municipality to be known and designated as the city of Fort Pierce is hereby established, organized and constituted in the County of St. Lucie and State of Florida, the territorial boundaries of which shall be as follows:

Territorial
boundaries.

Begin on the waters of Indian River where the Section line dividing Section 10 and 15 of Township 35 south, Range 40 east, intersects the west side of the channel of said river; thence run west to the southwest corner of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 9, Township 35 south, Range 40 east; thence run north to the northwest corner of the southeast $\frac{1}{4}$ of northeast $\frac{1}{4}$ of Section 4, Township 35 south, Range 40 east; thence run east to the channel of the Indian River; thence run southeasterly along the said channel of said river to the point of beginning.

Obligations,
contracts,
debts, etc.

Sec. 3. That no obligation or contract of said municipality shall be impaired by this change, but all debts, contracts and obligations shall be obligations upon and enforceable against the new municipality.

Title right,
etc., to vest
in corpora-
tion created
by this act.

Sec. 4. That the title, right and ownership of property, uncollected taxes, dues and claims, judgments, decrees and choses in action, held or owned by the said municipality of the town of Fort Pierce, shall pass and be vested in the municipal corporation hereby organized to succeed such municipality.

Succession.

Sec. 5. That said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded and shall have a common seal, which may be changed by City Council at pleasure.

Right to ac-
quire and
sell property,
etc.

Sec. 6. That said corporation shall own, purchase, lease, receive, acquire and hold property, real and personal within the territorial boundaries of said corporation, and may own, purchase, lease, receive, acquire and hold property, real and personal, beyond the limits of said corporation, to be used for any and all such public purposes as the Mayor and City Council may deem necessary or proper.

Empowered
to sell, lease
and buy
property.

Sec. 7. That the said corporation is hereby fully empowered to sell, lease and otherwise dispose of any and all property, real or personal, which may belong to said corporation to the same extent as natural persons may.

do. That the City Council may prescribe, by ordinance, the manner of making such conveyances. 1907.

Sec. 8. That the corporate authorities of said municipality of the City of Fort Pierce shall be vested in a Mayor, City Council, Marshal and Collector of Taxes Clerk, Treasurer and Assessor of Taxes; and the City Council of the City of Fort Pierce is hereby authorized and empowered to create by ordinance, such other and additional offices as they may deem advisable for the good government of said city. Corporate authorities.

Sec. 9. There shall be elected by the qualified electors of said municipality a Mayor, a City Council, Marshal, Assessor of Taxes, Collector of Taxes, a City Clerk, and a Treasurer; Provided, however, that the offices of Marshal and Collector of Taxes may be combined and held by one person; Provided, also that the offices of City Clerk, Assessor of City Taxes and City Treasurer may be combined and held by one person. Officers. Proviso.

Sec. 10. That the Mayor shall be elected for a term of one year and his compensation shall be fixed by ordinance, but shall not be changed during his term of office. He shall have power to preserve peace and order, and to enforce the ordinances of said corporation. The Mayor shall have jurisdiction for the trial of all offenses against the ordinances of said corporation. He shall see that the ordinances are faithfully executed, and the orders of the Council duly observed and enforced. He shall have power by his warrant to have brought before him any person or persons charged with a violation of the ordinances. He shall have power to require the attendance of witnesses for and against the accused; to administer oaths, to take affidavits, and to enquire into the truths or falsity of all charges preferred; to decide upon the guilt or innocence of the accused, and to fix by penalty the sentence prescribed by ordinance, and to enforce the same; to release persons convicted by him and to have and exercise all the powers incident and usual to the enforcement of his jurisdiction. Powers, term, etc., of Mayor.

Sec. 11. That the Mayor shall have power to suspend any officer except Councilmen for misconduct in office or neglect of duty, reporting his action in writing, with the reasons therefor, to the next regular meeting of the Council for its approval or disapproval. Power of Mayor to suspend officer.

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Supervision,
etc., of
Mayor.

Sec. 12. That the Mayor shall have general supervision over all city officers and the police force, and may examine into the condition of the officers, the books, the records and papers thereof and therein and the manner of conducting official business. He shall report to the City Council all violations or neglect of duty on the part of any official that may come to his knowledge. He shall appoint such police force, with the consent of the Council as may be deemed necessary to insure peace, good order and observance of law within the city, the compensation of policemen to be regulated and fixed by the City Council.

Power, duty,
etc., of Mayor
to approve
ordinances.

Sec. 13. That every ordinance passed by the City Council before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk. If the Mayor approve the same he shall sign it and return it to the Clerk; but if he shall not approve it, he shall return it to the Clerk with his objection in writing, at or before the next regular meeting of the Council for reconsideration, and if the Council shall pass the ordinance by a two-thirds vote of all the members, it shall go into effect. If the Mayor shall fail to return any ordinance or shall return it the same unsigned, without objections in writing, at or before the next regular meeting of the Council after its passage, he shall be deemed to have approved the same, and it shall become a law without his signature.

Mayor's duties to Council.

Sec. 14. That the Mayor shall communicate from time to time to the Council, such information and recommendations such measures touching the public service as he may deem proper, and shall perform such other duties as the ordinances prescribe.

Mayor's power to discharge policemen, etc.

Sec. 15. When in his opinion, the public good requires, the Mayor may appoint and discharge special policemen and detectives, making report thereof to the City Council at its next meeting thereafter.

Mayor may call special meetings.

Sec. 16. That the Mayor may call special meetings of the Council, and when called he shall state the objects for which called, and the business of such meeting shall be confined to the objects so stated in the call.

Mayor may be impeached.

Sec. 17. That the Mayor may be impeached by the Council for misfeasance, malfeasance or nonfeasance in office, for drunkenness, habitual intoxication or gross immorality.

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ity. Should charges be preferred against the Mayor, the Council shall furnish said Mayor with a copy of the articles of impeachment giving him reasonable time to answer, and shall proceed without unnecessary delay to investigate and decide them. It shall require a two-thirds vote of said Council to remove him from office.

Sec. 18. That in case of death or the absence of the Mayor or his inability from any cause to discharge the duties of the office of Mayor, the President of the Council, or in his absence, the Acting President of the Council, shall discharge the duties of Mayor as "Mayor pro tempore," until the office of Mayor shall be filled.

Increase of death or absence of Mayor.

Sec. 19. Should there occur a vacancy from any cause in any of the offices of said municipality, it shall be the duty of the Council to fill such vacancy as soon as possible by appointing a qualified elector of said municipality, who shall hold the office for the unexpired term.

Vacancies.

Sec. 20. That the City Council shall be composed of five Councilmen, who shall be elected for a term of two years, at a general election of the qualified electors of said municipality. At the general election to be held under the provision of this chapter in 1907, two Councilmen shall be elected to serve for two years, and at all elections held annually thereafter, three or two Councilmen, as the case may be, shall be elected, and they shall serve for two years each. Any person who is qualified to vote at a State election and has resided in the city six months and has been registered in the municipal registration, as may be prescribed by ordinance, shall be a qualified elector at any municipal election; Provided, that State or county registration shall not be required.

Members of Council, their election, terms, etc.

Eligibility of electors.

Sec. 21. The Council shall be the judges of the qualifications, election and returns of its own members and shall constitute the canvassing board for all elections. It may enact rules of procedure and may prescribe penalties for the non-attendance or disorderly conduct of its members, and enforce the same. Two-thirds of its members concurring, it may expel a member for improper conduct in office. A majority of the members of the Council shall be necessary to form a quorum for the transaction of all business, but a smaller number may adjourn from time to time and under the provisions of ordinances or rules of

Powers of Council regarding elections, returns, etc.

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procedure, may compel the attendance of absent members by the imposition of fines and penalties. In the absence of the President or his inability to act, they may elect a President pro tem.

Meetings.

Sec. 22. The Council shall hold meetings at such times as it may determine, holding not less than one regular meeting in each month.

President of Council.

Sec. 23. The City Council, shall on the day succeeding any general city election, or as soon thereafter as practicable, proceed to elect one of its members President, who shall preside over the Council. When acting as Mayor, hereinafter provided, he shall be disqualified from presiding over the Council. A President pro tem shall be elected to preside over the Council so long as the disability of the Mayor may exist.

Power of Council to create and abolish offices.

Sec. 24. That the Council shall have the power and authority hereby authorized to create such offices and provide for the same by ordinance for the election or appointment of all such additional officers and employees as may in their judgment be necessary for the good government of said municipality. The Council shall have power at any time to abolish any office thus created. The Council shall have in addition to the powers given them by this act, all the powers given to cities and towns under the general statutes of the State of Florida.

Incumbents required to give bond.

Sec. 25. That all incumbents of offices created by this act, or by ordinances or resolution, shall be required to give such bond as the Council may prescribe and to take and subscribe to an oath to faithfully discharge their several duties.

Power of Council to collect taxes, licenses, etc., and to regulate same, etc.

Sec. 26. That the Council shall have power, by ordinance, to collect taxes on privileges and profession taxes by law for State purposes; to require and enforce the payment of a license tax on all business, privileges or professions for which a license tax is required by the laws of the State; to license, tax or regulate auctioneers, taverns, hotels, boarding houses and restaurants; to license, tax and regulate peddlers; to license, tax and regulate hacks, carriages, cars, omnibuses, wagons, carts, drays and to fix the rate to be charged for the carriage of persons and property within the corporate limits; to license

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tax and regulate theatrical or other exhibitions, shows, circus, parade or amusement; to license, tax and regulate the sale of fire arms; to license, tax and regulate the sale of spirituous, vinous or malt liquors; but no license granted by the said municipality for such purposes shall be construed to give the licensee any rights and privileges except insofar as the said municipality is concerned, and the said licensee shall nevertheless be subject to prosecution and punishment for violation of the license law of the State, or for a violation of the prohibition regulations as the case may be.

Sec. 27. That the Council shall appropriate money for the payment of debts and expenses of the said city of Fort Pierce, and also for the debts of the municipal corporation of which the municipality hereby created is successor.

Power to appropriate money.

Sec. 28. That the Council shall have power to establish, maintain, and regulate hospitals, jails, and houses of detention and correction.

Powers regarding institutions, etc.

Sec. 29. That the Council shall have power to make regulations to secure and protect the general health of the inhabitants and to prevent and to remove nuisances, whether affecting the health or morals of the community; to regulate the inspection of milk, butter, lard and meat, and all groceries and provisions of whatever kind, nature or class; to regulate the vending of meat, poultry, fish, oysters and other articles of like nature, and of fruits and vegetables; and to establish and regulate markets. To establish fire limits and determine kind of material used in building within certain limits. The Council may by ordinance provide certain limits in which only fire proof material may be used in the construction of buildings, provide for the issuing of building permits under certain restriction and supervision.

Powers of Council.

Sec. 30. That the Council shall have power to provide the said municipality with waterworks, lights, sewerage, paving, city buildings and such other municipal improvements as may be deemed necessary in the manner and under the terms of this charter. The Council shall also have power to organize and establish a fire department.

Power to provide certain improvements, etc.

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Powers re-
garding
streets, side-
walks, etc.

Sec. 31. That the Council shall have power to open, close, alter, extend, widen, establish, grade, pave or otherwise improve, clean and keep in repair any streets, alleys and sidewalks and to erect and keep in repair bridges, culverts, sewers and gutters.

Powers of
Council.

Sec. 32. That the Council shall have power to prohibit by ordinance, and suppress all gambling houses, bawdy houses and disorderly houses, any exhibition, show, circus, parade or amusement contrary to good morals, and all obscene pictures and literature, to regulate, restrain or prevent the carrying on of manufactories dangerous in increasing or producing fires; to regulate the storage of gunpowder, tar, pitch, rosin, salt-peter, gun-cotton, gasoline, coal-oil, and all other combustibles, explosives and inflammable material and the use of lights, candles, lamps, and steam pipes in all stables, shops and other places; to regulate and suppress the sale of firecrackers and all other fire works, toy pistols, air guns and sling shots; to provide for the arrest, imprisonment and punishment of all breakers of the peace, and to disperse all disorderly assemblies on the Sabbath or secular days; to pass all ordinances necessary to the health, peace, convenience, good order and protection of the citizens, and to carry out the full extent and meaning of this act, and to accomplish the objects of this corporation; to impose penalties on the owners, occupants, or agents of any house, walks or side-walks or other structure, or place or thing, which may be dangerous or detrimental to the citizens or their property, unless after due notice the same shall be removed or remedied; to regulate, license, tax or suppress by fine or imprisonment the keeping and allowing to go at large of all animals, fowls, and domestic birds within the city, to imound the same and in default of redemption in pursuance of ordinance, to sell, kill or otherwise dispose of the same; to provide for the enclosing, improving and regulating of all public grounds belonging to the city in or out of the corporate limits; to provide for the organization and maintenance of a police force, and to impose fines, forfeitures and penalties and terms of imprisonment at hard labor on the streets, or other work to be designated by the ordinance, and to provide ways and means to prevent the escape of prisoners; to compel owners of buildings to erect fireescapes when necessary for the public

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Powers of Council.

safety or the safety of the occupants thereof; to grant the right of way through the streets, avenues and public grounds for the purpose of street and other railways; to provide for the construction of sewers and drainage, and for keeping them in repair, and to assess the expenses to the property that shall be especially benefited by the improvements in proportion to the amount of such benefit; or upon the abutters in proportion to frontage, and upon all land drained thereby and which receives the benefit; Provided, the Council may, by ordinance or resolution, provide for the payment of any part of the cost of such work or improvement out of the general tax, the reasonable cost of such construction, improvement or repairs shall be equally assessed against said property and shall be a lien thereon and be enforced by suit in any court having jurisdiction; to take and appropriate private grounds and private property in manner and form provided by law for condemnation, for widening streets or parts thereof, or for extending the same, or for laying out new streets, avenues, alleys or squares, parks or promenades, when the public convenience may require it, and to assess the expenses and cost pro rata for such improvements upon the property especially benefited thereby; to require parties or their agents owning property within the city to bring the same to a grade of topographical level by fillings or excavations, as shall be deemed necessary, the city having and exercising the same right of lien and its enforcement, as provided in case of sidewalks, and when said works of excavation or filling in shall be done by the city. The City Council shall have power to regulate and control the grading, construction and repair of streets, pavements and sidewalks, and to require the owners of real estate to construct sidewalks around their several lots and keep the same in repair; the same to be constructed under the supervision of the City Council as to material used, grade established and upon failure to do the same within the time and manner prescribed the said Council may have the same done, which shall be a lien against said lots, which lien may be enforced in the manner provided by statute for the government of cities and towns.

Sec. 33. The Council shall have the power by ordinance to establish as many wards in said city as in its judgment may be deemed expedient.

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Proviso.

ment is best for the good government of same; Provided, that not more than five wards shall be established; that when said wards are so established, the Council shall by ordinance provide for the number of Councilmen that each ward shall be entitled to have, and to also provide for their election and qualification.

Budget of expenses.

Sec. 34. It shall be the duty of the City Council each year to agree upon a budget of expenses for the ensuing year, which budget shall designate the regular officers of the corporation for the ensuing year, with the salary of each, as provided for by this act, and under general heads, such as streets, fire department, electric lights, water and police, the subject of corporation expenditure, and the estimated amount run out in figures of the probable expenditure for each purpose; this budget shall be published in a newspaper published in said city or by posting the same at three public places, if the Council should so elect.

Compensation of members of Council.

Sec. 35. Each member of the Council shall receive the sum of one dollar for each meeting attended by him, which shall be full compensation for all services that he may render as such Councilman.

Committees.

Sec. 36. That the Council shall by ordinance or resolution determine the number of standing committees, the number of members of which each committee shall consist, and shall designate the character of each; the President of the Council shall appoint said committees annually as soon after organization as practicable.

Bond issue.

Sec. 37. Whenever it shall be deemed advisable to issue bonds for any purpose or purposes hereinafter named for raising money to be used in constructing, maintaining or purchasing waterworks; for the purpose of constructing, maintaining or purchasing gas or electric light works, or other illuminating works; for the purpose of constructing, maintaining or purchasing a system of sewerage; or otherwise promoting the health of said municipality; or for the purpose of opening, widening and paving the streets and sidewalks of said municipality, and for the purpose of opening, constructing, and maintaining public parks and promenades; or for the purpose of erecting schoolhouses and maintaining a system of public education in said municipality; for the purpose of estab-

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lishing and maintaining a fire department in said municipality; for the purpose of erecting public buildings for the use of said municipality; for any one or more of said purposes, the Mayor and Council are hereby authorized to issue bonds of said municipality, and under the seal of said corporation, to an amount of not exceeding twenty-five per cent. of the assessed valuation of all the property, both real and personal, within said city, as shown by the assessment roll, signed by the Mayor, countersigned by the President of the Council, and attested by the Clerk, with interest coupons attached, which shall be signed in like manner; Provided, however, That before said bonds shall be issued the issuance of said bonds shall be approved by an affirmative vote of a majority of the electors voting for each purpose separately at an election to be held for such purpose or purposes, which election shall be regulated by ordinance as to the manner of conducting and certifying the same, after the same has been advertised for not less than thirty days in a newspaper published in said city of Fort Pierce, and at which election only qualified electors of said city who own real estate or personal property in said city, and who have paid the city taxes thereon last due, shall be allowed to vote at said election.

Bond issue.

Sec. 38. When the bonds are issued under the terms of this act the said bonds shall be under the seal of the city of Fort Pierce and shall be signed by the Mayor, countersigned by the President of the Council and attested by the Clerk with interest coupons attached, which shall be signed in like manner, and the Mayor and City Council of said city of Fort Pierce, shall be authorized to levy a special tax upon all taxable property within said city, at such rate as in their judgment may be necessary to raise a sufficient fund to pay off the interest that may accrue upon said bonds, as well as to provide a sinking fund for their final redemption.

Sealing, signing and attestation of bonds.

Interest on bonds and sinking fund for their redemption.

Sec. 39. The bonds herein provided for shall in no case be sold at a greater discount than five per cent. of their par value, and shall not bear a greater rate of interest than six per centum per annum.

Interest and discount on bonds.

Sec. 40. It shall be the duty of the said City Council, as soon as the bonds herein authorized have been executed, to offer the same for sale by giving notice, stating the amount of bonds for sale, the rate of interest, and when

Duty of City Council to offer bonds for sale.

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Depository. Sec. 41. A bank or banks, or other depository, to be designated by the Council, shall receive and be the custodian of said bonds and all money arising from the sale of said bond or bonds.

Bids, contracts, etc., for work to be done. Sec. 42. The City Council shall advertise for bids for work to be done for which bonds are issued, making contracts with the lowest responsible bidder, who shall himself give bond for the faithful performance of his work, but the said Council shall have the right to reject any or all bids received; they shall personally, or through proper agents, select all material and have supervision and charge of the carrying out of the work for which the bonds are issued, and shall audit all accounts connected with such work, and pay the same by check on the bank or depository handling the proceeds of the sale of the said bonds, which said check shall be invalid unless signed by at least two members of the City Council, countersigned by the President of the Council, and shall be so worded.

Bonds may be converted into money. Sec. 43. The entire issue of bonds, or such portion thereof as the Mayor and Council may deem advisable, may be sold and converted into money at one time.

City may invest unexpended balance. Sec. 44. In the event there is remaining in the bank or banks, or other depository, an unexpended balance of money that was derived from the sale of bonds after the work entrusted to them has been completed, the City Council shall invest such balance in such interest bearing securities as they may elect, to be approved by the Mayor, and such securities shall be turned over by them to the City Treasurer, and the proceeds thereof be applied to the payment of the bonds or the interest thereon as directed by resolution of the Council.

Sec. 45. The adverse result of an election to determine

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the question of the issuance of bonds for any one or more of the purposes mentioned in this act, shall not debar the then existing or any subsequent Council from resubmitting the same question to the legal voters of the city after the lapse of one year; but the question of bonding for any purpose not already voted upon can be submitted to the vote of the people whenever, in the judgment of the Council, it may be considered advisable. Council may have the power at any time to provide for any necessary improvement, repair work, or unexpected expense by issuing warrants bearing not more than six per cent. interest, provided such issue shall not exceed one thousand five hundred dollars (\$1,500.00).

Resubmitting bond issue to the people, etc.

Council may provide for necessary improvements, etc.

Sec. 46. There shall be elected by the qualified voters of the city, at the regular annual election as aforesaid, a Tax Assessor, whose duty it shall be to assess all the property within the corporate limits of the city, both real and personal, between the first day of April and the first day of July in each and every year. The manner in which he shall perform his duties shall be determined by ordinance. He shall give bond for the faithful and correct performance of his duties, with sureties to be approved by the Council. He shall be clothed with authority to administer oaths and affirmations in the listing of property for taxation the same as County Assessors are authorized by general law. He shall receive such compensation as the City Council shall fix.

Tax Assessor

Sec. 47. The Tax Assessor, with the approval of the City Council, may assess all the property, both real and personal, within the corporate limits of the city of Fort Pierce, and place valuations on real estate or personal property, regardless of the assessment made by the County Assessor, but in no case shall the valuation of said property for the purpose of taxation exceed its actual cash value.

Powers of Assessor.

Sec. 48. All persons, firms or corporations owning real estate or personal property, taxable in said city, are required to make return of the same to the City Assessor before the first day of May in each year, and upon failure to make such return, the Assessor shall assess any property in the name of the owner or as unknown, and in no case shall the assessment of taxes thereon be held invalid

Powers of Assessor.

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or not (lawfully made or enforced payment of the tax thereon be resisted by reason of such property being assessed otherwise than in the name of the real owner. Provided, The Assessor can not find, does not know and has no means of ascertaining the name of the real owner.

How real estate may be described.

Sec. 49. Real estate shall be described by lots and blocks when so platted, or by section, township and range, when the same is not platted in lots and blocks, or by metes and bounds, when such land is so described by the owner or agent; and lots and subdivisions of a block belonging to one owner and lying contiguously may be assessed together and the taxes extended on one line.

Personal property responsible for taxes on real estate and visa versa.

Sec. 50. The assessment of personal property shall be separate from the real estate, but personal property shall be responsible for the taxes on real estate, and real estate shall be responsible for taxes on personal property. The words "personal property" shall be sufficient designation of personal property for purposes of city taxation, when the same is not otherwise described.

Treatment of erroneous assessments, etc.

Sec. 51. If the Assessor shall, in making his assessment discover that any real estate was omitted from the assessment roll of either or all of the previous three years or that any real estate was illegally sold for taxes any such year or years, and was then liable to taxation, he shall, in addition to the assessment of such real estate for the current year, assess the same for such year or years omitted from taxation or so illegally sold, noting such separate assessment on the assessment roll for the current year, and the same shall have the force and effect it would have had if properly made in such previous year or years, and the taxes shall be levied and collected thereon in the same manner together with the taxes of the year when the assessment is made, and all real estate shall be subject to such arrears of taxes into whatsoever hands it may come.

Completion of assessment roll.

Sec. 52. It shall be the duty of the Assessor to complete his assessment roll on or before the first Monday of August in each year or as soon thereafter as practicable on such day he shall meet with the City Council for the purpose of reviewing and equalizing said assessment.

Notice of increased valuation to be served on owner.

Before making an increase of valuation of any property on the assessment roll, the City Council shall give notice of such increase of valuation to the owner or agent of such property for not less than ten days, and reasonably

scribe the property intended to be raised in the valuation. Any person shall have the right to appear in person, or by letter or attorney, and show cause why such increase valuation should not be made.

Sec. 53. After the review and equalization of said ^{Tax levy.} assessment roll, the City Council shall determine the amount of money to be raised by tax for the general city purposes, which shall be not more than (15) mills on the dollar on the total value of the real and personal property of said city. The City Council may levy an additional tax as may be necessary for school purposes, for building purposes, for water and fire protection, for the laying out and improvement of streets and sidewalks, and for the lighting of the city with electricity, gas or other illumination. A levy for the interest on any bonds issued by the city as herein before provided, and for a sinking fund to pay the principal thereof, shall also be made each year.

Sec. 54. The Assessor shall immediately thereafter calculate and carry out the several assessments of taxes as so levied, properly designating the several levies in the separate columns prepared for that purpose, rejecting fractions of a cent. He shall add up all the columns of assessments of values and taxes levied as shown on the roll, and make recapitulatory tables thereof. He shall make a copy of said assessment roll when completed, and to the original copy shall attach his certificate in substance as follows:

I,, the Assessor of Taxes for ^{Assessor's} the City of Fort Pierce, do hereby certify that the foregoing is the assessment roll of taxable property in said city, valued at its fair cash value, and that it contains a true statement and description of all property in said city subject to taxation by said city, or liable to be assessed therein; that the listing and valuation in said roll show correctly and accurately the listing and valuation as corrected, accepted, approved and adopted by the City Council, and that all the requirements of the laws and ordinances regulating the making of the assessment roll for said city have been complied with.

This the day of

(Signed)

.....
Tax Assessor for the City of Fort Pierce.

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Duty of
Council re-
garding roll.

Warrant of
Assessor to
Collector.

Sec. 55. On the first Monday in October, or as soon thereafter as practicable, the Council shall examine the original and copy thereof, and if found correct, shall so certify on each roll, which certificate shall be signed by at least a majority of said Council. The Assessor shall then attach to the original the following warrant: To
....., the Tax Collector of the City of Fort Pierce: You are hereby commanded to collect out of the property, and from each of the persons, firms and corporations named in the annexed assessment roll, the taxes set down on said roll oposite each name or parcel of land therein described, and in case the taxes so imposed are not paid at the time prescribed by law, you are to collect the same in manner as is prescribed by law, and all money collected you are to account for to the Treasurer of the City of Fort Pierce. And you are further required to make all collections and reports, and a final report to and settlement with the City Council of said city, as required by law and ordinances.

Given under my hand and seal this, the day
of A. D.

.....
Tax Assessor of the City of Fort Pierce.

Compensa-
tion of As-
sessor.

The Assessor shall receive such compensation as shall be fixed by the Council prior to his election. When the office of Assessor is combined with the offices of City Clerk and City Treasurer, the compensation paid him shall include the three offices.

When taxes
are due, etc.

Sec. 56. All taxes (except license tax) shall be due and payable on and after the first Monday in November, or as soon thereafter as the assessment roll shall come into the hands of the Tax Collector, of which he shall give public notice, and taxes remaining due and unpaid on the first Monday of April thereafter shall be enforced as hereinafter provided. All taxes, together with legal cost or legal expenses, shall be a lien on the real or personal property assessed, and taxes on such shall relate back to the first day of January of the year for which the same are assessed and levied.

All taxes a
lien on prop-
erty.

Tax Collec-
tor.

Sec. 57. The Tax Collector shall be elected by the qualified voters of the City of Fort Pierce, and shall hold his office for one year. He shall give a good and sufficient

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bond for the faithful performance of duty as the City Council may require; said bond shall be approved by the Council before the Collector shall enter upon the duties of his office. His compensation shall be fixed by the City Council prior to his election to said office. When the office of Tax Collector is combined with the office of Marshal, the compensation paid him shall include both offices.

Sec. 58. If the Collector shall discover, after assessment roll comes to his hands, that any property has been improperly omitted from said assessment roll, or erroneously or illegally assessed, and which was subject to taxation, he shall immediately notify the Assessor, and the Assessor shall at once make the proper assessment or correction in such case or cases, and shall attach his certificate anew to the original and copy of said assessment rolls. Notice of such re-assessment or correction shall be given personally or mailed to the owner or agent or occupant by the Assessor when practicable. The Collector shall make out a proper report of all such cases to the City Council at the first meeting thereof after such discovery. The City Council may at any time correct or cause to be corrected any omission or errors in the city assessment roll or rolls.

Duty of Collector regarding erroneous assessments.

Sec. 59. If the taxes on any real estate remain unpaid on the first day of April, the Collector shall advertise and sell the same at the door of the City Hall or Council Chamber in the manner and form that is or may be provided by the State Revenue law, as far as the same can conveniently be followed, except as otherwise provided herein. The Council may contract for the publication of notice of any city tax sale, or shall post same in at least three conspicuous places in said city, which said notice shall be similar in form to that prescribed by the State, and proof of the publication or posting of such notice, with a copy of said notice as published or posted, shall be made by some authorized person connected with the newspaper or newspapers making the same, or by the city official posting the same, and be filed with the City Clerk, who shall carefully preserve the same. A substantial compliance with the manner and form of sales for taxes referred to shall be sufficient. Any property erroneously sold may be reassessed, as herein before provided, or may be re-advertised and resold; but only charges and cost for one

State revenue law to apply to unpaid taxes, except as otherwise provided in this act.

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sale shall be charged against said property. The Collector shall give the purchaser of any property at any such sale a certificate of such sale in usual form, and such certificate shall be subject to assignment or transfer, as may be provided by ordinance of the City Council.

Collector shall make out lists in duplicate, etc.

Sec. 60. The Collector shall make out lists in duplicate of all lands so sold by him, giving name of owner, if so assessed, description of land, name of purchaser, the amount sold for, together with the date and place of sale and shall append to each his official certificate that such sale was made according to law. One such list shall be filed with the City Clerk and one with the Clerk of the Circuit Court of the county. The list filed with the Circuit Clerk he shall record in a suitable book provided by the City Council, who shall pay the usual fee for such recording. Deeds for real estate sold for delinquent taxes by the city may be procured, after the period of redemption has expired, from the Clerk of the Circuit Court in the usual form, but the thirty days prior notice of application for such deed shall be given by posting at the court house door, and by mailing to the owner of such property, if name and address are known. The Clerk of the Circuit Court shall receive one dollar for such deed.

Deeds.

Collector may collect taxes due by levy and sale of property, etc.

Sec. 61. The Collector may collect taxes remaining due on personal property, on the first day of April, by levy upon and sale of such property, or any part thereof. And his written description of such property, with date of assessment and amount due, and any costs, shall be filed with the City Clerk at the time of such levy. At least fifteen days notice of any sale under such levy giving time and place of sale, shall be given by the Collector by posting in at least three public places, or by at least three insertions in some newspaper in said city. When such property cannot be readily moved to the place of sale at the door of the City Hall or Council Chamber, it may be sold where it is located in said city. The Collector shall report to the Council his proceedings in such case.

Redemption of property.

Sec. 62. Redemption of property sold for taxes may be made in such manner and form as the Council may provide by ordinance, and in the event of no such provision being made, redemption shall be made through the appropriate city officers in a manner substantially to that pro-

vided in cases of tax sales by State or county, so far as the same shall be applicable.

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Sec. 63. The Collector shall have power to bid in, or cause to be bid in, property for the city at all and any tax sale and sales under the process of law. Collector may bid in property for city.

Sec. 64. When land is bid off by or for the city at any tax sale, and such land is not redeemed nor the certificate of such land sold and transferred by said city, at the expiration of the time for redemption, vest in said city without the issuing of a deed. When land vest in city without deed

Sec. 65. Nothing in this act shall be construed to impair the validity of any assessment of taxes by said city prior to the passage of the same, or of any tax sale made pursuant to any such prior assessment. Prior assessments.

Sec. 66. The City Clerk of the City of Fort Pierce shall be elected by the qualified voters of said city, and shall hold office for the term of one year. He shall also act as Clerk of the Municipal Court and City Council. He may administer oaths and issue warrants to the Marshal to arrest offenders to be brought before the Mayor for trial. The Clerk shall give such bond as the City Council may fix, and shall perform all the duties now imposed upon the Clerk, by ordinance not inconsistent with the provisions of this charter. His compensation shall be fixed by the City Council. When the office of City Clerk is combined with the offices of Assessor of Taxes, and City Treasurer, the compensation paid the Clerk shall cover all three offices. Powers, duties and compensation of City Clerk.

Sec. 67. There shall be elected by the qualified electors of the City of Fort Pierce, a Treasurer of said city, who shall hold his office for one year, whose duty shall be such as are now or may hereafter be prescribed by ordinance, who shall give such bond as the City Council may direct. His compensation shall be fixed by the City Council. When the office of Treasurer is combined with that of City Clerk, and Assessor of Taxes, the compensation paid him shall cover all three offices. Treasurer.

Sec. 68. There shall be elected by the qualified electors of the City of Fort Pierce, a Marshal, who shall hold his office for one year and until his successor is elected and Marshal.

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qualified. He shall be elected annually at the general elections for city officers herein provided for. He shall give such bond as the Council may by ordinance prescribe and shall receive such compensation as is provided by ordinance, and which shall not be changed during his term of office. When the office of Marshal is combined with that of Collector of City Taxes, the compensation paid him shall cover both offices.

Powers and duties of Marshal.

Sec. 69. It shall be the duty of the Marshal to attend all regular and special meetings of the City Council; to aid in the enforcement of order under direction of the presiding officer; to execute the commands of the Council from time to time, as well as of the Mayor in the line of his duty, and to execute all process issued by the authority thereof; to attend the Mayor's courts during its sittings, and to execute its commands; to aid in the enforcement of order therein under the direction of the Mayor, and to perform such other duties as may be appropriate to his office under the provisions of law, or as required by ordinance. He shall have control of the police force, subject to the commands of the City Council, and shall have police powers to make arrests.

Power and duty of Marshal in making arrests, etc.

Sec. 70. The Marshal shall have power and authority to immediately arrest, with or without warrant, and to take into custody any person or persons who shall commit, threaten or attempt, in his presence or within his view, any offense prohibited by the ordinances of the city; and he shall, without unnecessary delay, upon making such arrest, convey the offender or offenders before the Mayor to be dealt with according to law.

Common law and statutory authority.

Sec. 71. The Marshal and members of the police force, in addition to the powers incident to their office, and as herein designated, shall possess common law and statutory authority of constables, except for the service of civil process.

First election.

Sec. 72. The first election of officers under this act shall be held by the present officers of the town of Fort Pierce, in accordance with the present ordinances of said town, and the general laws of the State of Florida, in so far as they apply to municipal elections, on the first Tuesday in December, 1907, and annually thereafter on that date.

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The persons then elected as such officers shall be sworn into office on the day following, or as soon thereafter as practicable to do so, when their terms of office shall begin; Provided, however, That no officer required to give bond shall be allowed to enter upon the duties of his office until after he shall have given a good and sufficient bond for such sum of money as may be required by ordinance, and with such sureties as shall be acceptable and approved of by the Mayor and City Council.

Sec. 73. Should any elective officer required by this act or ordinance to give bond fail within thirty days from the date of his election to give such bond as would be approved by the Mayor and City Council, said office shall be declared vacant, and shall be filled as provided by ordinance till the next regular city election.

Sec. 74. The City Council shall, by ordinance, provide for the holding of all general and special elections, the return and canvassing of the results of all general and special elections, the registration and qualification of voters, but shall comply as nearly as practicable with the State laws governing elections.

Sec. 75. That all ordinances and parts of ordinances now in force in the town of Fort Pierce, which are not in conflict with the provisions of this act, or with the Constitution and laws of the State of Florida, shall be and remain in full force and effect until repealed by the City Council or their successors in office, and all laws now in force and that may hereafter be enacted for the government of cities and towns, except in so far as they may conflict with the provisions of this act, shall apply to the city of Fort Pierce.

Sec. 76. That the present officers of the municipal government of the town of Fort Pierce shall be and remain the officers of the municipality created and established by this act, and known as the city of Fort Pierce, until their successors are elected and qualified, as herein provided.

Sec. 77. That all assessments, levies and collections of taxes hereinbefore done and performed by the corporation of Fort Pierce are hereby legalized and declared valid

1907. and of full force, virtue and effect, and binding in law and equity.

Sec. 78. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 79. This act shall go into effect upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5806—(No. 211).

AN ACT Amending Sections 1, 2, 4, 8, 10 of an Act Entitled an Act Extending and Enlarging the Territorial Limits and the Powers of the City of Gainesville, a Municipal Corporation Organized and Existing in Alachua County, Florida, and Providing for the Exercise of Those Powers, the same being Chapter 5497 Laws of Florida, Acts of 1905.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 1 of the above act be and the same is hereby amended to read as follows:

Territorial
limits and
boundaries.

Section 1. The territorial limits and boundaries of the municipality existing in Alachua County under the name of the City of Gainesville, are hereby changed and extended and enlarged so as to embrace within the territorial limits and municipal jurisdiction of said City of Gainesville all of the territory described as follows: Commence at the northeast corner of section 4, township 10 south, range 20 east; run thence north 60 chains, thence 160 chains to west line of section 32, township 9 south, range 20 east; thence south 60 chains to northwest corner of section 5, township 10 south, range 20 east; thence west 80 chains; thence south 80 chains; thence east 80 chains to southwest corner of section 5, township 10 south, range 20 east; thence south 40 chains; thence east 160 chains; thence north 160 chains to beginning.

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Sec. 2. That Section 2 of the above act be and the same is hereby amended to read as follows :

Sec. 2. The Mayor and City Council of the City of Gainesville, in their corporate capacity, are hereby authorized to issue, from time to time, bonds of said city to such amounts and of such denominations bearing not exceeding five per cent interest per annum, becoming due at such times and upon such conditions as may, by ordinance, be determined, the proceeds from the sales of which bonds at not less than par value shall be used for such municipal purposes as may be provided by ordinance, and for the payment of which bonds, and the interest thereon, the entire taxable property of said city, and the public utilities owned by the city, may be pledged; Provided, That before the issue of said bonds shall be made, the issuance of the bonds then proposed to be issued shall be provided for by ordinance, setting forth the denominations of such bonds, the rate of interest, the time, place and conditions when said bonds, and the interest thereon shall become due and payable, and the purposes for which the proposed issue of bonds is to be used, and subsequently approved by a majority of the votes cast at a special election held for that purpose, at a time and in a manner to be prescribed by ordinance, by the qualified electors of said city who pay a tax upon real or personal property, or approved at a general city election by a majority of the votes cast by the electors qualified to vote at such city election who pay a tax upon real or personal property. The Mayor and City Council are authorized to make in and by the ordinance providing for the issuance of such bonds, or by subsequently passed ordinance such provisions for the control and direction of the expenditure of bond-moneys, and for the control and management of public utilities acquired by the city not inconsistent with the provisions of this act, as may be deemed by them advisable. The Mayor and City Council shall levy and collect, annually, such special tax on the taxable property within the corporate limits of said city as may be necessary to pay the interest on said bonds and to provide a sinking fund for the payment of said bonds, and by ordinance, shall require of the disbursing agents handling the moneys arising from the sale of said bonds such bonds for the faithful perform-

1907.

ance of their duties as they may determine. The Mayor and City council shall have the power, by ordinance, to fix the maximum rate or rates to be charged for gas and electric lights, and all other public utilities, whether owned by the municipality or by any individuals, firm or firms, corporation or corporations.

Sec. 3. That Section 4 of the above act be and the same is hereby amended to read as follows:

Maintenance of streets, sidewalks, parkways, drainage and sewerage system by ordinance of Mayor and Council.

Sec. 4. The Mayor and City Council are hereby authorized by ordinance, to regulate, provide for and require the opening, widening, extending and improving of streets, avenues and public places; the construction and maintenance of sidewalks and street pavements; the establishment and maintenance and keeping in order of grass plots and parkways in front of property between the property lines or outer sidewalk lines and the driveways in the center of streets; the drainage and filling in of low places, public or private, dangerous to public health, and the cleaning up and putting into proper condition of places requiring such work to be done to promote the public welfare; and the construction and maintenance of water mains, sewers and drains; and may, by ordinance, provide for the payment of the cost thereof by general taxation or by special assessment of the cost thereof against the property fronting or abutting upon the street, avenue or public place where the same is done, in proportion to frontage of the property fronting thereon, the special assessment being made per front foot of the abutting property, or part of the cost thereof may be, by ordinance, paid by general taxation of all property of the city, and the remainder by such special assessment, and in cases of drainage and filling in of low places (other than streets, avenues and public places) dangerous to public health, and the cleaning up and putting into proper condition of places requiring such work to be done to protect the public welfare, shall provide for the payment of the cost of such work by special assessment of the cost thereof or of such part of the cost as may be provided by ordinance, against the property upon which such work is done, and the city shall have a lien superior to all other liens upon the abutting property or upon the property drained and filled in or cleaned up and put into proper condition, as

the case may be, for the amounts of special assessments together with interest thereon and cost of collecting thereof. Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall state the total cost thereof and the estimated amount per front foot of the special assessments to be levied upon abutting property, or the estimated cost to be specially assessed against the property drained, filled in, cleaned up or put into proper condition, as the case may be, and shall be published once each week for four weeks in a newspaper printed in the said city, and the City Council shall meet as soon as practicable after the expiration of said publication, at a time named in the ordinance, and permit any owner of, or other person interested in, any property against which it is proposed to levy such special assessment, to present to the City Council any objections which he may have to the enforcement of the requirements of such ordinance; and shall have power, if they deem justice or right to require the same, to repeal or amend said ordinance; but no such amendment shall increase the amount to be specially assessed against other property. Any person owning or interested in any property to be specially assessed or generally taxed for said work, who shall not at such meeting present in writing to the City Council his objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereon, shall have the right within thirty days thereafter to present to any court of competent jurisdiction by bill in chancery praying for an injunction against the enforcement of said ordinance, any legal objections he may have to the enforcement of such ordinance, and the court shall have the power, upon proper cause shown, to grant such injunction; any person not so presenting his bill for injunction within thirty days, or failing to push to a successful conclusion with due diligence his application for an injunction, shall be deemed to have consented to the enforcement of the ordinance and the levy and collection of the special assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The Mayor and City Council are hereby authorized to provide, by ordinance, for the is-

Ordinance
must state
the estimat-
ed cost, etc.

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Special as-
sessment
city certifi-
cates, etc.

suance of special assessment city certificates for such amounts and drawing such rates of interest (not to exceed six per cent per annum) and upon such terms and conditions as may be deemed necessary, to enable the city to pay the cost of such work pending the collection of the special assessments and taxes, and to provide for the payment thereof with interest; and the City Council shall, as soon as practicable after the completion of any such work, by resolution fix the special assessment per front foot upon the abutting property or the special assessment against the property drained, filled in, cleaned up or put into proper condition, as the case may be, at an amount not exceeding either the actual cost of the work or the estimated special assessment stated in the ordinance providing for the work. Any person desiring to contest in any way the validity of any such special assessment or lien shall, within thirty days after the publication of the resolution fixing the special assessment, institute suit to have the enforcement thereof enjoined or its invalidity legally declared, and no person not so instituting such suit shall thereafter be heard to question the validity thereof or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty days after the publication of such resolution shall be accepted without interest, and such assessments not so paid within said time shall bear interest from the date of publication of such resolution at the rate of six per cent per annum. The Mayor and City Council may, by ordinance, provide for the payment of such special assessments in installments, and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provisions of one ordinance may be enforced in and by one proceeding in equity. The city shall have and collect a lien upon any properties effected by such special assessments for reasonable attorney's fee for the collection of unpaid special assessments after the collection thereof shall have been entrusted to an attorney by resolution of the City Council.

Sec. 4. That Section 8 of the above act be and the same is hereby amended to read as follows:

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Sec. 8. The existing charter and charter provisions of the City of Gainesville may be at any time amended or abolished and repealed, and an entire new charter and charter provisions or amendments of those existing may be adopted and established, fixing and defining as fully and completely as could be done by legislative enactment the powers and duties of the municipality and providing for and regulating the exercise of such powers and duties, or the numbers, powers, duties, terms of office and manner and time of election or appointment of any or all city offices may be amended and changed by ordinance adopted by the affirmative vote of not less than two-thirds of all the members of the City Council and approved by the Mayor, or passed over his veto, and, at a general municipal election approved by the affirmative vote of a majority of the votes cast upon such proposition; Provided, That once each week for eight weeks next preceding such election such ordinance or ordinances shall have been published in a newspaper printed in the city; and, Provided, further, that this act shall not be construed as depriving the City Council under existing legislation of the power to create or abolish by ordinance not so approved by the electors any office not created or recognized in State legislation or by ordinance approved by the electors. Such new charter or amendment or change of charter provisions shall take and go into effect thirty days after the day of election at which the same shall have been approved by the electors, and no contest of such election and no question as to the validity or regularity or sufficiency of the proceeding whereby such charter or amendment or change of charter provisions has been ordained, approved, or adopted or put into effect, shall be made or raised collaterally or in any proceeding instituted more than thirty days after such election, otherwise than by quo warranto proceedings instituted by the Attorney General of the State. The Mayor and the City Council of the city, together with the electors thereof, are hereby, in the manner above stated, authorized from time to time to exercise the most complete local self government as to all municipal affairs, and are hereby authorized, in the manner above provided, to alter and amend their municipal charter,

Charter may at any time be amended, abolished or repealed.

Provido.

Provido.

Powers of Mayor and Council as to the city government.

1907.

and to change by increase or by limitation the powers and duties of the municipality and of its officers, to the same extent that such powers and duties could be changed, extended or limited by Act of the Legislature; the only limitation upon such power being that the municipality shall not acquire any rights other than those properly pertaining to local municipal governments. The general election laws of the State of Florida shall apply to all elections, general or special, held in the said city of Gainesville, and the Clerk of the City Council shall make out and publish in a newspaper at least five days preceding any general election a list of the qualified voters of said city.

Sec. 5. That all laws or parts of laws in conflict with this act, and all amendments heretofore adopted to this charter, be and the same is hereby repealed.

Sec. 6. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 20, 1907.

CHAPTER 5807—(No. 212).

AN ACT Amending the Title of an Act Entitled An Act Amending Sections 1, 2, 4, 8, 10 of An Act Entitled "An Act Extending and Enlarging the Territorial Limits and the Powers of the City of Gainesville, a Municipal Corporation Organized and Existing in Alachua County, Florida, and Providing for the Exercise of Those Powers," the Same Being Chapter 5497, Laws of Florida, Acts of 1905.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the title of the above act be and the same is hereby amended so as to read as follows:

An act amending Sections 1, 2, 4 and 8, of an act entitled an act extending and enlarging the territorial limits and the powers of the city of Gainesville, a municipal corporation organized and existing in Alachua County,

Florida, and providing for the exercise of those powers, the same being Chapter 5497, Laws of Florida, Acts of 1905.

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Sec. 2. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5808—(No. 213).

AN ACT to Organize a Municipal Government for the Town of Greenville, and to Provide for its Government?

Be it Enacted by the Legislature of the State of Florida:

ARTICLE I.

Section 1. That a municipality to be called the town of Greenville is hereby established in Madison County, Florida, the territorial area of which shall be as follows: Beginning at the center of Section 21, thence running east for a quarter of a mile; thence running south one-half of a mile; thence running west one-quarter of a mile; thence running south one-quarter of a mile; thence running west one-quarter of a mile; thence running south one-quarter of a mile; thence running west to the Greenville Southern Railroad; thence running north along said railroad to the northwest corner of the southwest quarter of the northeast quarter Section 20; thence running east one mile; thence running south one-quarter of a mile to the point of beginning, the same being in Township 1 north, Range 7 east.

Territorial boundaries.

Sec. 2. That said corporation shall have perpetual succession, sue and be sued, plead and be impleaded, and may purchase, lease, receive and hold property, real and personal, within said town; and may sell, lease and otherwise dispose of the same for the benefit of the town; and may purchase, lease, receive and hold property, real and personal, beyond the limits of the town, to be used for the burial of the dead, for the erection of waterworks, for

Succession, rights, etc.

26—G. L.

1907.

Ibid.

the establishment of poorhouses, pesthouses, and houses of detention and correction, for public parks and promenades, and for any other public purpose that the Mayor and Town Council may deem necessary or proper, and may sell, lease, or otherwise dispose of such property for the benefit of the town, to the same extent as natural persons may. Said town shall have and use a common seal which may be changed at pleasure. All public roads and streets that are now being used as public thoroughfares and highways for said town shall remain the same as they now are, with the privilege of extension as the ordinance of the Town Council may deem proper.

Corporate authority.

Sec. 3. That the corporate authority of the town shall be vested in a Mayor, Town Council, Clerk, Clerk and Collector of Taxes (one person), Treasurer and Assessor of Taxes (one person), Marshal, and such other officers as may be appointed or elected in pursuance of law. No person shall be eligible to any of said offices, save and except the office of Marshal, who may not be a citizen of the State of Florida, and who may not be a resident and legal voter of the town.

ARTICLE II.

Term, election and qualification of Mayor.

Sec. 1. That the Mayor shall be elected for the term of one year, and shall hold office until his successor is elected and qualified by the qualified electors of the town at large. His compensation shall be fixed by ordinance, but shall not be changed during his term of office.

Jurisdiction, duties and powers of Mayor.

Sec. 2. The Mayor shall have jurisdiction for the trial of all offenses against the town ordinances; to see that the ordinances of the town are faithfully executed; to have power by his warrant to have brought before him any person or persons charged with the violation of the town ordinances; to require the attendance of witnesses for the town and the defendant; to administer oaths; to take affidavits; to inquire into the truth or falsity of all charges; to decide upon the guilt or innocence of the accused and to fix by his sentence the penalty and to see that the same is enforced as by law or ordinance may be prescribed; to pardon and release persons convicted by him, and to have and exercise all the powers incident and usual to the due enforcement of his jurisdiction. He shall keep a record

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and minutes of his official acts, and may require the Town Clerk and Treasurer to make and preserve this record from his minutes. When in his opinion the public good requires he may appoint and discharge special policemen and detectives.

Sec. 3. That the Mayor shall have power to bid in or have bid in property for the town at all tax sales and judicial sales, and sales under process of law, when the town is a party; to make pro tempore appointments to fill vacancies caused by sickness, death or disability of any town officer for misconduct in office or negligent duty, reporting his action with his reason therefor in writing at the next regular meeting of the Town Council for its approval or rejection; but he shall not have power to suspend members of the Town Council or fill vacancies in membership of the same. Powers of Mayor.

Sec. 4. The Mayor shall call special meetings of the Town Council and when called he shall state the object for which called, and the business of such meeting shall be confined to the object stated. Special meetings.

Sec. 5. The Mayor shall have general supervision over all town officers, but not over members of the Town Council, and may examine into the condition of their offices, the books, papers and records therein, and the manner of conducting their official business; and he shall report to the Town Council all violations or neglect of duty on the part of any town official that may come to his knowledge. Duties of Mayor.

Sec. 6. That every ordinance passed by the Town Council, becoming a law, shall be presented to the Mayor, if he approves the same he shall sign it, but if not he shall return it with his objections in writing to the next regular meeting of the Town Council for its consideration, and if the Town Council shall pass the ordinance by a two-thirds vote of the members present, it shall become a law. He may veto any part of an ordinance and approve the residue. If he shall fail to return any ordinance at or before the next meeting after its passage he shall be deemed to have approved the same, and it shall become a law without further action. Approval of ordinances by Mayor.

Sec. 7. The Mayor shall communicate from time to time to the Town Council such information and recommend Duties of Mayor.

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such measures, as may tend to the interest of the town, and shall report violations and neglect of duty on the part of any town officer that shall come to his knowledge; and he shall take care that all the laws and ordinances of the town are duly respected and observed, and shall perform such other duties as the ordinances of the Town Council shall require of him.

Impeachment of Mayor.

Sec. 8. The Mayor shall be impeached by the Town Council for misfeasance, malfeasance, or nonfeasance in office, for drunkenness, habitual intoxication, or gross immorality; and two-thirds of the members of the Town Council may remove him from office. Should charges at any time be preferred against the Mayor the Town Council shall proceed without any unnecessary delay to investigate and decide them.

In case of death or absence of Mayor.

Sec. 9. That in case of death or absence of the Mayor from the town, or his inability from sickness or from any other cause, to discharge the duties of Mayor, the president of the Town Council shall discharge the duties of Mayor pro tempore, or until the office of Mayor shall be filled by law in the manner that shall be provided by ordinance.

ARTICLE III.

Terms of members of Council.

Sec. 1. That the Town Council shall be composed of five Councilmen who shall be elected for a term of two years by the qualified voters of the town. At the first election under this charter, three Councilmen shall be elected for two years and two for one year. The three receiving the highest number of votes at said election shall hold for the long term, and the two receiving the next highest number of votes at said election shall hold for the short term. The term of office of any member of the Town Council shall expire at the end of the term for which he is elected. The members shall elect one of their number to be president of the Town Council, and he shall have power to enforce such rules as may be adopted by the board for its own government, and in the absence of the president the members may choose or elect one of their number president pro tempore.

Sec. 2. The Town Council shall judge of the qualifica-

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tions, elections and returns, of its members; it may choose its regular procedure, and may prescribe a penalty for nonattendance of its members and for their disorderly conduct, and enforce the same; and two-thirds of its members concurring it may expel a member for misconduct in office. A majority of the members of the council shall be required to form a quorum for the transaction of business.

Duties of Council regarding its members.

Sec. 3. That the Town Council may hold meetings at such times as it may determine, holding not less than one regular meeting per month.

Meetings.

Sec. 4. That the Town Council shall have power, and is hereby authorized to create such offices and provide by ordinance for the appointment or election of all officers and to provide for the appointment of such employees as shall be necessary for the good government of the town, whose compensation and term of office shall be fixed before their election or appointment, and their compensation shall not be increased or diminished during their term of office. The Town Council shall have power to abolish at any time any office created by them and to discharge any officer elected or appointed by them, but shall not abolish any office created under this act.

Authority and power of Council regarding offices, officers, employed, etc.

Sec. 5. That all incumbents of office created by this act or created by the town ordinance, shall be required to give such bond as the Town Council may demand of its employees or appointees, such bond as it shall deem fit, in case there is no ordinance requiring such bond.

Incumbents required to give bond.

Sec. 6. No Councilman shall be eligible to any other town office.

Sec. 7. The Town Council shall fix the compensation of all officers by ordinance before the election or appointment of incumbents of said offices, which said compensation shall not be changed during their term of office; Provided, That the Town Council may fix the compensation of the first officers under this act, during their term of office; Provided, further, That Councilmen shall receive no compensation for their services.

Compensation of officers.

Proviso.

Sec. 8. That the Mayor and Town Council within the limitation of this act, shall have power by ordinance to

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Powers of
Council and
Mayor.

levy and collect taxes upon all property and privileges taxable by law for State purposes; to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations to prevent the introduction of contagious diseases into the town, and to make quarantine laws for the purpose and to enforce the same within two miles of the town; to establish hospitals and jails, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to provide the town with water by waterworks, within or beyond the boundary of the town; to provide for the prevention and extinguishment of fires, and to organize and establish fire departments; to provide for lighting the town with gas or other illuminating material or in any other manner; to make appropriations to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair, streets, alleys and sidewalks; to erect, establish and keep in repair culverts, sewers and gutters; to make appropriations for lighting the streets and public buildings and for the erection of all buildings necessary for the use of the town; to have full power and authority to levy and collect any amount of occupational tax on any business they may see fit, not to be less than fifty per cent of the State tax; to license, tax and regulate auctioneers, taverns, peddlers and retailers of liquor, or other intoxicating beverages; to license, tax and regulate all privileges taxable by the State; to license, tax and regulate carriages, carts, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the town; to regulate, license, suppress or prohibit any theatrical or other exhibition, show, circus, parade and amusement; to regulate, prohibit or suppress all gambling houses, bawdy and disorderly houses and obscene pictures and literature; to regulate and license the sale of firearms and to suppress the carrying of concealed weapons; to regulate and establish markets; to provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the town, by day or by night, and for punishment of all breaches of peace, noise, disturbance and disorderly assemblies; to pass all ordinances necessary for the health, convenience and safety of the citizens, and

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Powers of
Council and
Mayor.

to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation; to impose penalties upon the owners, occupants or agents of any house, walk or sidewalk or other structure which may be dangerous or detrimental to the citizens, unless, after due notice in the manner to be provided by law, the same be repaired or removed; to provide for enclosing and improving and regulating all public grounds belonging to the town, in or out of the corporate limits; to provide for the appointment of a police force, and to impose fines, forfeitures and penalties and terms of imprisonment, at hard labor or otherwise, for a breach of any town ordinance, but no penalty shall exceed three hundred dollars, and no term of imprisonment shall be for a longer term than three months for the same offense; to regulate and provide for the construction or paving of streets, and for the construction and repair of sidewalks and foot pavements; to provide for the construction of sewers and drains, and for keeping them in repair and to assess the expense upon the property which shall be especially benefited by the improvement, in proportion to the amount of such benefit, or upon the abutters in proportion to the frontage, or upon the lands drained thereby which receive a benefit; the reasonable cost of such construction and repairs shall be equally assessed against said property, and shall be a lien thereon, and enforced by suit in any court having jurisdiction; to take all appropriate grounds for widening streets or any part thereof; or for laying out new streets or avenues when the public convenience may require it, and to assess the cost and expenses of the same upon the property especially benefited thereby in the manner herein provided in case of sewers and drains.

Sec. 9. It shall be the duty of the Town Council to agree upon a budget of expense for the ensuing year, which shall designate the officers of the corporation for the year, with salary of each, and under general heads, such as streets, fire department, police force, etc., the subjects of corporation expenditures, and the estimated amount of the probable expenditure for each purpose. The same shall be published in a newspaper in the town, or posted in at least three public places in the town.

Budget of
expense.

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ARTICLE IV.

Election
Commission.

Section 1. That Council Bush, J. P. Taylor, L. J. Porter, T. J. Redding and L. A. Green are hereby constituted an Election Commission to hold the election provided for in Section two of this article.

First elec-
tion.

Sec. 2. That the first election of all elective officers enumerated in this act shall be held by the commissioners herein constituted, pursuant to the regulation which may be adopted by the commissioners of election herein mentioned, and to the general election laws of the State of Florida, as near as the same are applicable, on Tuesday, the 18th day of June A. D., 1907, and the officers then elected shall be sworn into office by some officer authorized to administer oaths, on the 19th day of June, A. D., 1907, and shall hold office until the election and qualification of their successors by general election at such time and under such provisions as shall by ordinance of the Town Council provided; Provided, That the three persons receiving the highest number of votes for Councilman at said election shall hold office until the election and qualification of their successors at the second general election thereafter as provided by ordinance, and that the two persons receiving the next highest number of votes for Councilmen shall hold office until the election and qualification of their successors at the first general election thereafter as provided by ordinance. Every person entitled to vote for members of the Legislature by the laws of the State of Florida, and who shall have resided in the town for six months next preceding said first election as provided in this section, shall be deemed a legal elector at said first election as provided herein, and the election commission provided in section one of this article shall be the judge of the qualification of said electors. A true and correct result of the ballot polled at the said first election, with the full number of votes cast for each person voted for, for each office, shall be preserved by the Election Commission and filed with the Town Clerk immediately upon his qualification.

Proviso.

Qualifica-
tions of elec-
tors.Duty of
Council re-
garding elec-
tions.

Sec. 3. The Town Council shall prescribe by ordinance the qualification of electors, the form of ballot to be used, the nature and time for notice to be given for general and special elections, the method of conducting, the manner

of making returns, the canvassing the vote and declaring the result of elections.

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ARTICLE V.

Section 1. There shall be a Town Marshal who shall be ^{Marshal.} appointed by the Town Council at its first regular meeting in January of each year, and shall hold office for the term of one year and until his successor is appointed and qualified, and whose duty shall be such as may be prescribed by law and the Town Council; ^{Provido.} Provided, That the Town Council first elected under the provisions of Section 2 of Article 4 of this Act, shall immediately upon their qualifications appoint a Town Marshal who shall serve until a Town Marshal be appointed as provided in this section.

ARTICLE VI.

Sec. 1. There shall be a Town Clerk, who shall also be ^{Clerk.} Collector of Taxes. He shall be elected annually by the voters of the town at the annual election as may be prescribed by the Town Council; ^{Provido.} Provided, That the Town Clerk first be elected as provided in Section 2 of Article 4 of this act shall hold office until the election and qualification of the Town Clerk at the first general annual election under this act. The Town Clerk shall hold office for one year and until his successor is qualified.

ARTICLE VII.

Section 1. There shall be a Town Treasurer who shall ^{Treasurer.} also be Assessor of Taxes. He shall be elected annually by the qualified voters of the town at the annual election as may be prescribed by town ordinance, whose duties shall be prescribed by ordinance of the Town Council; ^{Provido.} Provided, That the Town Treasurer first elected as provided in Section 2 of article 4 of this act, shall hold office until the election and qualification of his successor at the general election as shall be provided under this act by town ordinance. The Town Treasurer shall hold office for the term of one year, and until his successor is elected and qualified.

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ARTICLE VIII.

Assessable
property.

Section 1. That all property which is subject to State taxes shall be assessed and levied for taxation for the entire town, except such property as may be exempted from taxation by ordinance. The assessment of taxes shall be made by the Assessor under the laws by which such property is assessed for State and county purposes. Privileges may be licensed and taxed by the town as may be from time to time provided by town ordinance.

Rate of
taxation.

Sec. 2. That said corporation shall not have power to levy in any year for ordinary purposes, a higher rate of tax than fifteen mills (15) of the assessed value of the property within its limits.

Erroneous
assessments.

Sec. 3. That the Town Council shall provide by ordinance for the correction of erroneous assessments, for the assessment of property omitted by the Assessor, for defects in assessment, for reduction on assessment and for the increase thereof to equalize assessments.

Distress
warrants.

Sec. 4. That the Collector of Taxes shall have power to issue distress warrants in the name of the town to enforce collections, and the same may be executed by the Town Marshal or any constable or sheriff. All taxes and assessments shall be lien on the property assessed, until the same shall be paid or the same shall be sold therefor. Such lien, if on real estate, may, after return nulla bona on a distress warrant be enforced as other liens. All unpaid taxes or assessments may be collected by suits in courts of law or equity. The cost of all suits and proceedings for the collection of unpaid taxes and assessments, including a reasonable attorney's fee, shall be recovered by suit.

Liens.

Suits.

Sales of
property for
unpaid taxes.

Sec. 5. That nothing in the foregoing section shall be construed so as to prevent collectors from making sales or certification of realty for unpaid taxes or assessments in the manner now provided, or which may hereafter be provided by law, for the collection of taxes by incorporated cities or towns.

ARTICLE IX.

Section 1. That all ordinances passed by the Town

Council before they shall have the effect of law, shall be published or posted within the aforesaid corporate limits in a manner and for the time to be prescribed by ordinance.

1907.

Ordinances must be published.

Sec. 2. That all ordinances, resolutions or proceedings of the Town Council may be provided by the seal of the corporation attested by the Town Clerk, and when printed and published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Seal and attestation of ordinances, etc.

Sec. 3. That this act shall take effect from and after its passage and approval by the Governor.

Approved April 24, 1907.

CHAPTER 5809—(No. 214).

AN ACT to Abolish the Present Municipal Government of the town of Havana, in the County of Gadsden, and State of Florida, and to Establish, Organize and Constitute a Municipality to be Known and Designated as Havana, and to Define its Territorial Boundary and to Provide for its Jurisdiction, Powers and Privileges.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the present municipal government of the town of Havana is hereby abolished.

Abolishment.

Sec. 2. That a municipality to be known and designated as Havana is hereby established, organized and constituted in the county of Gadsden and State of Florida, the territorial boundaries of which shall be as follows:

Establishment.

Begin at a point at the southeast corner of the northwest quarter of the northwest quarter, Section 35 and run north three-fourths of a mile to the northeast corner of the northwest quarter of the southwest quarter Section 2; thence run west three-fourths of a mile to the northwest corner of the southeast quarter Section 27; thence run south three-fourths of a mile to the southwest corner of the northwest quarter of the northeast quarter.

Territorial boundaries.

1907. Section 34; thence east three-fourths of a mile to the point of beginning, in Township 3 north, and Range 2 west, Gadsden County, State of Florida.

Former obligations, etc.

Sec. 3. That no obligation or contract of said town shall be impaired by this change, but all debts, contracts and obligations shall be obligations upon, and enforceable against the new municipality.

Succession.

Sec. 4. That the title, right and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held own owned by the said municipality of the town of Havana, shall pass and be vested in the municipal corporation hereby organized to succeed such municipality.

Succession.

Sec. 5. That said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded, and shall have a common seal which may be changed by the town council at pleasure.

Property rights.

Sec. 6. That said corporation may own, purchase, lease, receive, acquire and hold property, real and personal, within the territorial boundaries of said corporation, and may own, purchase, lease, receive, acquire and hold property, real and personal, beyond the limits of said corporation to be used for any and all such public purposes as the Mayor and Town Council may deem necessary or proper.

Conveying, buying and selling property.

Sec. 7. That said corporation is hereby full empowered to sell, lease, or otherwise dispose of any and all property, real or personal, which may belong to said corporation, to the same extent as natural persons may do. That the Town Council may prescribe, by ordinance, the manner of making such conveyances.

Corporate authority.

Sec. 8. That the corporate authority of said Havana shall be vested in a Mayor, Town Council, Clerk, Assessor and Treasurer (one person), Marshal and Collector (one person), and such other officers as may be appointed and constituted according to ordinance. No person shall be eligible to any of said offices who shall not be a citizen of the State of Florida, and who shall not be a resident and legal voter of said corporation.

Mayor.

Sec. 9. That the Mayor shall be elected for the term of one year and until his successor is elected and qualified

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by the qualified electors of said corporation. His compensation shall be fixed by ordinance, but shall not be changed during his term of office. He shall have power to preserve peace and order, and to enforce the ordinances of said corporation. The Mayor shall have jurisdiction for the trial of all offenses against the ordinances of said corporation. He shall see that the ordinances are faithfully executed and the orders of the Council duly observed and enforced. He shall have power by his warrant to have brought before him any person or persons charged with a violation of the ordinances. He shall have power to require the attendance of witnesses for or against the accused; to administer oaths; to take affidavits, and to enquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of the accused, and to fix by penalty the sentence prescribed by ordinance; to release persons convicted by him; and to have and exercise all the powers incident and usual to the due enforcement of his jurisdiction.

Election, jurisdiction, powers and duties of Mayor.

Sec. 10. That the Mayor shall have power to suspend any officer, except Councilmen, for misconduct in office, or neglect of duty, reporting his action in writing with the reasons therefor to the next regular meeting of the Council, for its approval or disapproval.

Power of Mayor to suspend officer.

Sec. 11. That the Mayor shall have general supervision over all town officers, and may examine into the condition of the offices, the books, the records and papers thereof and therein, and the manner of conducting official business. He shall report to the Town Council all violations or neglect of duty on the part of any official that may come to his knowledge.

Supervision, duties, etc., of Mayor over officers, etc.

Sec. 12. That every ordinance passed by the Town Council, before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk. If the Mayor approve the same, he shall sign it and return it to the Clerk. but if he shall not approve it, he shall return it to the Clerk with his objections in writing, at or before the next regular meeting of the Council for reconsideration, and if the Council shall pass the ordinance by a two-thirds vote of all members present, it shall go into effect. If the Mayor shall fail to return any ordinance, or shall return the same unsigned, without objections, in writing,

Power and duty of Mayor in approving ordinances.

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at or before the next regular meeting of the Council after its passage, he shall be deemed to have approved the same, and it shall become a law without his signature.

**Duty of
Mayor to
Council.**

Sec. 13. That the Mayor shall communicate from time to time to the Council such information, and recommend such measures touching the public service, as he may deem proper, and shall perform such other duties as the ordinances may prescribe.

Policemen.

Sec. 14. When in his opinion the public good requires, the Mayor may appoint and discharge special policemen and detectives.

**Mayor may
bid in prop-
erty.**

Sec. 15. That the Mayor shall have power to bid in, or cause to be bid in, property for the town at all or any tax sales and judicial sales, and sales under process of law.

**Special
meetings.**

Sec. 16. That the Mayor may call special meetings of the Council, and when called, he shall state the objects for which called, and the business of such meetings shall be confined to the subjects so stated.

**Impeach-
ment of
Mayor.**

Sec. 17. That the Mayor may be impeached by the Council for misfeasance, malfeasance or nonfeasance in office; for drunkenness, habitual intoxication or gross immorality. Should charges be preferred against the Mayor, the Council shall furnish said Mayor with a copy of the articles of impeachment, and shall proceed without unnecessary delay to investigate and decide them. It shall require a two-thirds vote of said Council to remove him from office.

**In case of
death or ab-
sence of
Mayor.**

Sec. 18. That in case of the death or absence of the Mayor, or his inability from any cause, to discharge the duties of the office of Mayor, the President of the Council, or in his absence, the Acting President of the Council, shall discharge the duties of Mayor as "Mayor pro tempore," or until the office of Mayor shall be filled.

Vacancies.

Sec. 19. That should there occur a vacancy in any of the offices of said municipality, except Councilmen or Mayor, it shall be the duty of the Council to fill said vacancy as soon as possible by appointing a qualified elector of said municipality, who shall hold the office for the unexpired term.

Sec. 20. Should the Mayor's office become vacant by

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death or resignation, or should there occur a vacancy in the Council, the Clerk shall immediately certify such fact to the Mayor or Acting Mayor, who shall immediately issue his proclamation calling for a special election to be held to fill such vacancy or vacancies. Said election shall be held not less than fifteen nor more than thirty days, from the issuance of said proclamation, which said proclamation shall be published by inserting the same in some newspaper published in said municipality at least three times, or by posting the same at three public places in said municipality, one of which shall be the postoffice, for at least ten days before said election.

Vacancies.

Sec. 21. That the Council shall be composed of seven Councilmen, who shall be elected for a term of two years, at a general election of the qualified electors of said municipality. Five Councilmen shall be elected hereunder at the general election in 1907, and every two years thereafter, and two Councilmen shall be elected herunder at the general election in 1908, and every two years thereafter.

Election and terms of Councilmen.

Sec. 22. The Council shall be the judges of the qualification, election and returns of its own members. It may enact rules of procedure and may prescribe penalties for the nonattendance or disorderly conduct of its members, and enforce the same. Two-thirds of its members concurring, it may expel a member for improper conduct in office. A majority of the members of the Council shall be necessary to form a quorum for the transaction of business, but a smaller number may adjourn from time to time, and under the provisions of ordinance or rules of procedure, may compel the attendance of absent members by the imposition of fines and penalties.

Powers and duties, etc., of Council regarding its members.

Sec. 23. That the Council may hold meetings at such times as it may determine, holding not less than one regular meeting per month.

Meetings.

Sec. 24. That the Council shall have the power, and is hereby authorized to create such offices and provide by ordinance for the election or appointment of all such additional officers and employes as may, in their judgment, be necessary for the good government of said municipality. The Council shall have power to establish, at any time, any office created by it, but shall not abolish any office

Power of Council to create offices.

1907. created by this act. No person shall hold office under this act except as provided for in Section 8.

**Incumbents
required to
give bond.**

Sec. 25. That all incumbents of offices created by this act, or by ordinance or resolution, shall be required to give such bond as the Council may prescribe. All such officers before entering upon their respective duties, shall take an oath to faithfully discharge their several duties.

Tax levy.

Sec. 26. That the Council shall have power, by ordinance, to levy on real and personal property at a rate not to exceed twenty-five (25) mills for all purposes and collect taxes, also on privileges and professions taxable by law for State purposes; to require and enforce the payment of a license tax on all business, privileges or professions for which a license tax is required by the laws of the State; to license, tax or regulate auctioneers, taverns, hotels, boarding houses, restaurants and peddlers; to license, tax and regulate hackney carriages, cars, omnibuses, wagons, carts and drays, and to fix the rate to be charged for the carriage of persons and property within the corporate limits; to license, tax or regulate theatrical or other exhibitions, shows, circus, parade or amusement; to license tax and regulate the sale of firearms; to license, tax and regulate the sale of spirituous, vinous or malt liquors, but no license granted by said municipality for such purpose shall be construed to give the licensee any rights or privileges except in so far as the said municipality is concerned, and said licensee shall nevertheless be subject to prosecution and punishment for a violation of the license law of the State, or for a violation of the prohibition regulations, as the case may be.

License tax.

**Council shall
appropriate
money, etc.**

Sec. 27. That the Council shall appropriate money for the payment of debts and expenses of the said Havana and also for the debts of the town of which the present municipality, hereby created, is successor.

Institutions.

Sec. 28. That the Council shall have power to establish, maintain and regulate hospitals, jails, houses of detention and correction.

**Powers of
Council.**

Sec. 29. That the Council shall have power to make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances, whether effecting the health or morals of the community; to regulate the inspection of milk, butter, lard and all groceries and pro-

visions of whatever kind, nature or class; to regulate the vending of meat, poultry, fish, oysters or other articles of like nature, and of fruits and vegetables. To establish and regulate markets.

Sec. 30. That the Council shall have power to provide the said municipality with waterworks and public baths, to be within or beyond the boundaries of said Havana; to provide for the prevention or extinguishment of fires, and to organize and establish fire departments; to provide for the lighting of the city.

Waterworks, public baths, and fire protection.

Sec. 31. That the Council shall have power to alter, open, extend, abolish, widen, establish, grade, pave or otherwise improve clean and keep in repair, streets, alleys and sidewalks, and to erect and keep in repair bridges, culverts, sewers and gutters; that said Council shall have the power to require the owner or owners of any lot or parcel of land abutting on any street or avenue to erect, construct and keep in good repair, along and adjacent to his said lot, or parcel of land, sidewalks of such a kind and of such material as they may deem proper, and to provide for the punishment of such owner or owners for any refusal or neglect so to do.

Streets, pavements, sidewalks, sewers, culverts, etc.

Sec. 32. That the Council shall have power to order the paving or otherwise improving of any street, or portion thereof, in such manner as they may deem proper, and may require the owner or owners of any lot or parcel of land abutting thereon or thereto to do one-third of such paving, or to make one-third of such improvements as the same may be ordered. That in case such owner or owners shall refuse or neglect to comply with such order then and in that event said Council may proceed and have the work done at the expense of the said Havana, which sum shall be a lien upon such lot or parcel of land. That such lien may be enforced by suit at law in any court having jurisdiction of the amount of such claim, and by levying execution on said land; or the said lien may be enforced by bill in equity and the Circuit Court is hereby vested with jurisdiction to decree the amount of the claim, to declare the same a lien upon such land and to order the sale thereof, and to make any and all orders and decrees as may be necessary to the enforcement of such lien.

Owners of property may be required to make improvements, etc.

Lien.

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Powers of
Council.

Sec. 33. That the Council shall have power to prohibit and suppress all gambling houses, bawdy houses and disorderly houses, any exhibition, show, circus, parade or amusement contrary to good morals, and all obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories dangerous in increasing or producing fires; to regulate the storage of gunpowder, tar, pitch, rosin, saltpeter, guncotton, coal oil and all other combustibles, explosives and inflammable material, and the use of lights, candles, lamps and steam pipes in all stables, shops and other places; to regulate or suppress the sale and use of firecrackers and all other fireworks, toy pistols, air guns and sling shots; to provide for the arrest, imprisonment and punishment of all vagrants and all riotous and disorderly persons within the town by day or by night, by warrant or otherwise, and for the punishment of all breakers of the peace, and to disperse all disorderly assemblies on the Sabbath or secular days; to pass all ordinances necessary to the health, convenience, comfort and safety of the citizens, and to carry out the full intent and meaning of this act, and accomplish the objects of this corporation; to impose penalties on the owners, occupants or agents of any house, walks or side-walks, or other structure or place or thing which may be dangerous or detrimental to the citizens or their property unless after due notice the same be remedied or removed; to regulate, tax, license or suppress and punish by fine or imprisonment the keeping and going at large of all animals, fowls and domestic birds within the town, to impound the same, and in default of redemption in pursuance of ordinance, to sell, kill or otherwise dispose of the same; to provide for the enclosing, improving and regulating all public grounds belonging to the town in or out of the corporate limits; to provide for the organization and maintenance of the police force, and to impose fines, forfeitures and penalties and terms of imprisonment at hard labor or otherwise, for the breach of the city ordinance; to provide for the imprisonment of offenders against the ordinances at hard labor on the streets, or other work to be designated by ordinance; to compel owners of buildings to erect fire escapes when necessary for public safety or the safety of the occupants thereof; to grant the right of way through streets, avenues and public grounds for the

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purpose of street and other railways; Provided, That nothing in this section shall be so construed as to deprive any abutting owner from recovering any damage that he may incur by reason of granting such right of way; to provide for the construction of sewers and drainage and for keeping them in repairs, and to assess the expenses on the property that shall be especially benefited by the improvement in proportion to the amount of such benefit, or upon the abutters in proportion to frontage, and upon all land drained thereby and which receives the benefit; Provided, The Council may by ordinance or resolution provide for the payment of any part of the cost of such work or improvement out of the general tax; the reasonable cost of such construction, improvement or repairs shall be equally assessed against said property, and shall be a lien thereon and be enforced by suit in any court having jurisdiction; to take and appropriate private grounds and private property in manner and form provided by law for condemnation for widening streets or parts thereof, or for extending same, or for laying out new streets, avenues, alleys or squares, parks or promenades when the public convenience may require it, and to assess the cost and expenses pro rata for such improvement upon the property specially benefited thereby; to require parties, or their agents owning property within the town to bring the same to a grade or topographical level by filling or excavations as shall be deemed necessary, the town having and exercising the same right of lien, and its enforcement, as provided in case of sidewalks and pavements when said work of excavation or filling in shall be done by the town.

Sec. 34. Councilmen shall receive such pay for their services as may be provided by ordinance, not to exceed one dollar for each regular meeting at which said Councilmen actually attend.

Sec. 35. It shall be the duty of the Council each year to agree on a budget of expenses for the ensuing year, which budget shall designate the regular officers of the corporation for the ensuing year, with the salary of each as provided for by this act, and under general heads such as streets, fire department, gas, water and police, the subject of corporation expenditure and the estimated amount run out in figures of the probable expenditure for each

Budget of
expenses.

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purpose; this budget shall be published in a newspaper published in said Havana or by posting at three conspicuous places if there be none.

Committees.

Sec. 36. That the Council shall by ordinance or resolution determine the number of standing committees, the number of members to which each of said committees shall consist, and shall designate the character and duties of each; the President of the Council shall appoint said committees annually, as soon after organization as practicable.

Bond issue.

Sec. 37. Whenever it shall be deemed advisable to issue bonds for any purpose or purposes hereinafter named; for raising money to be used in constructing and maintaining waterworks; for the purpose of constructing or maintaining gas works, electric light plants or other illuminating works; for the purpose of constructing and maintaining a system of sewerage, or otherwise promoting the health of said municipality; for the purpose of opening, widening, and paving the streets and sidewalks of said municipality and for opening, constructing and maintaining public parks and promenades; for the purpose of erecting school houses and maintaining a system of public education in said municipality; for the purpose of establishing and maintaining a fire department in said municipality; for the purpose of erecting public buildings for the use of said municipality; for any one or more of said purposes the Mayor and Council are hereby authorized to issue bonds of said municipality under the seal of the corporation, to an amount not exceeding fifty thousand dollars, signed by the Mayor, countersigned by the President of the Council and attested by the Clerk, with interest coupons attached, which shall be signed in like manner; Provided, however, That before said bonds shall be issued, the issuance of said bonds shall be approved by an affirmative vote of two-thirds of the electors voting at an election to be held for that purpose, which election shall be regulated by ordinance as to manner of conducting or certifying same, after the same has been advertised for not less than thirty days in a newspaper published in said Havana, or if there be no paper published in Havana, posted at three conspicuous places in said Havana, and at which election only resident electors otherwise qual-

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fied, who shall also own real estate within the corporate limits and who shall have paid taxes thereon for the year when such taxes were last due, shall be entitled to vote.

Sec. 38. The bonds herein provided for shall, in no case be sold at greater discount than five (5) per cent of their par value. Limited discount on bonds.

Sec. 39. There shall be a board of three trustees, who shall serve as a Board of Public Works, also who shall each give bond in a sum to be fixed and approved by the Council, conditioned for the faithful performance of their duty. It shall be the duty of said Trustees, as soon as the bonds herein authorized have been executed, to offer the same for sale by notice, stating the amount of bonds for sale, the rate of interest and when the same shall become due, and payable, advertised in a newspaper published in Havana, or if there be no paper published in Havana, posted at three conspicuous places in said Havana, and also in not less than two other newspapers published in cities reputed to be money centers, if deemed necessary. The Trustees shall receive bids for the purchase of said bonds or any part of the issue thereof on or before the expiration of sixty (60) days from the date of said publication. The Trustees shall have the right to reject any or all bids and re-advertise the bonds or any portion of the remaining same unsold. Duties, etc., of Board of Trustees.

Sec. 40. A bank or other depository in Havana to be designated by the Council shall receive and be custodian of said bonds and all moneys arising from the sale of said bonds. Depository.

Sec. 41. The Board of Trustees shall advertise for bids for work to be done for which bonds are issued, make contracts with the lowest responsible bidder, who shall himself give bond for the faithful performance of his work, but the said board shall have the right to reject any or all bids received; they shall personally, or through proper agents, select all material and have full supervision and charge of the carrying out of the work for which bonds are issued, and shall audit all accounts connected with such work, and pay the same by check on the bank or depository handling the proceeds of the sale of said bonds, which said checks shall be invalid unless signed by at Bids for work, contractor to give bond.

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least two members of the Board of Trustees and countersigned by the President of the Council, and shall be so worded.

Election and term of members of the Board of Trustees, etc.

Sec. 42. The Board of Trustees shall be elected by a majority vote of the legal voters at the same election at which the bonds are voted, and shall serve until the completion of the work for which said bonds were issued. Vacancies in the Board of Trustees shall be filled by a majority vote of the remaining trustees and a full board of the Council in joint session. Any Trustee may be removed from office in same manner, and for same causes as hereinbefore provided for the removal of other officials. A majority of said Trustees shall constitute a quorum and be capable of transacting any business. No person holding any town office shall be eligible to serve as Bond Trustee.

Trustees to keep records, etc.

Sec. 43. The said Board of Trustees shall cause to be kept proper books of account, which shall be at all times subject to inspection by the Council, and upon the completion of the work entrusted to them, the same, with a full report of their action, shall be turned over to the Council, who shall examine and audit the same and cause a copy of the same to be published in Havana. Not more than ten thousand dollars' worth of bonds shall be converted into cash at any one time, and the cash so realized shall be expended before another delivery of said bonds.

Disposition of unexpended balance.

Sec. 44. In the event there is remaining in the bank or banks or other depository an unexpended balance of money that was received from sale of bonds, after the work entrusted to them has been completed, the Board of Trustees shall invest such balance in such interest-bearing securities as they may select, to be approved by the Council, and such securities shall be turned over by them to the Town Treasurer, who shall receive and give his receipt for the same, and such securities shall remain in the hands of the Town Treasurer, and the proceeds thereof be applied to the payment of the bonds or the interest thereon, as directed by resolution of the Council.

Re-election for bonds.

Sec. 45. That the adverse result of an election to determine the question of the issuance of bonds for any one or more of the purposes mentioned in this act shall not debar

the then existing, or any subsequent Council from re-submitting the same question to the legal voters of the city, after the lapse of one year; but the question of bonding for any purpose not already voted upon can be submitted to vote of the people whenever, in the judgment of the Council, it may be considered advisable.

Sec. 46. The Collector shall be elected annually at the ^{Collector.} general election of officers, serve for one year and until his successor is elected and qualified, and shall perform the joint duties of Collector and Marshal. He shall discharge such duties as the Council may prescribe. It shall be the duty of the Collector to collect all taxes on real and personal property in Havana, according to the assessment roll delivered to him by the Assessor of Taxes of the town, as required by ordinance; to collect all licenses on trades and occupations provided for in this charter and ordinances of said town, receive all funds collected, giving receipts for the same; he shall make weekly payments to the Treasurer of all funds coming into his hands, and take the Treasurer's receipt therefor, and shall make a report to the Council monthly, or oftener if required by them, of all receipts and payments made to the Treasurer. The Collector shall perform all acts required of him in the collection of taxes and licenses as prescribed by the ordinances, and shall give such bond as the Council shall determine, for the faithful performance of his duty.

Sec. 47. That the Marshal and every member of the ^{Power of Marshal and police force to make arrests, etc.} police force shall have the power and authority to immediately arrest, with or without warrant, and take into custody any person who shall commit, threaten or attempt to commit, in his presence or within his view, any offense prohibited by the ordinances of the town, and he shall, without unnecessary delay upon making such arrest, convey the offender or offenders before the Mayor to be dealt with according to law.

Sec. 48. That there shall be a Marshal who shall be the ^{Marshal.} Collector of Taxes, and who shall be elected as provided in Section 47.

Sec. 49. That it shall be the duty of the Marshal to at- ^{Duties of Marshal.} tend the Council during its sittings, to aid in the enforcement of order under the direction of the President thereof;

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to execute the commands of the Council from time to time and to execute all process issued by authority thereof, which shall be directed to him; to attend the Mayor's court during its sittings to execute the commands of said court from time to time, to aid in the enforcement of order therein, and to perform such other duties as may be required by ordinance.

Statutory
authority of
Marshal and
police force

Sec. 50. That the Marshal and members of the police force, in addition to the powers incident to their office, and as herein designated, shall possess common law and statutory authority of constables, except for the service of civil process.

Clerk,
Treasurer
and Assessor.

Sec. 51. That there shall be a Clerk, Treasurer and Assessor of Taxes, all of which said offices shall be filled by one person, who shall perform the duties thereof as required by ordinance. He shall be elected at the general election, serve for one year or until his successor is elected and qualified. His compensation shall be fixed by ordinance and shall not be changed during his term of office.

Qualified
electors.

Sec. 52. That the officers provided for by the terms of this charter, shall be qualified electors of said Havana.

General
election.

Sec. 53. General elections shall be held on the third Monday of November of each year, and the officers then elected shall be sworn into office on the first day of January thereafter.

Voting, etc.

Sec. 54 All voting at general or special elections shall be by ballot, either written or printed; and the candidate receiving the highest number of votes cast shall be declared elected.

Ballots, re-
turns, can-
vass, etc.

Said municipality of Havana shall have power to pass ordinances prescribing the form of ballots to be used, and the manner of calling, conducting, canvassing or making returns of said elections, any general State law touching elections generally to the contrary notwithstanding.

Registration
officer.

Sec. 55. The Council shall require the Clerk to perform the duties of Registration officer, in such manner as may be prescribed by ordinance. All male persons above the age of twenty-one years, who have resided in the State of Florida for twelve months last past, and in the corporate

limits of Havana for six months last past, shall be entitled to register.

Sec. 56. The Council shall have power, by ordinance, to make the payment of the State poll or capitation tax for two years last past from the time of such election, a prerequisite to voting at any general or special election. The Council shall have power to require such poll or capitation tax to be paid on or before ten days before such election.

Poll or capitation tax prerequisite to voting

Sec. 57. That immediately upon entering upon the duties of his office, the Assessor of Taxes shall proceed to assess all property in the corporate limits, both real and personal, and to fix the valuation thereof; Provided, however, That valuations do not exceed the actual cash value of the property. That such Assessor shall complete the assessment on or before the first day of June, at which time the Council shall sit and review the same as a Board of Equalization for the purpose of hearing complaints, and make such charges as may seem proper.

Duties of Assessor.

Sec. 58. On the first of October the assessment roll shall be delivered to the Collector, who shall proceed to collect all taxes according to such assessment.

Delivery of assessment roll.

Sec. 59. That all taxes remaining unpaid on the first day of April of each year, shall be deemed and considered as delinquent, and the Collector shall proceed to collect the same by law. He shall make up a list of all of such property on which the taxes remain unpaid and shall advertise the same in some newspaper published in Havana, or if there be no paper published in Havana, it shall be posted in three public places, for the space of four weeks preceding the sale thereof, with a notice that he will sell the same to satisfy said taxes and costs; Provided, That the Council may at its discretion extend the time for payment.

Delinquent taxes, tax sale, etc.

Sec. 60. A list of all property so sold shall be filed with the Clerk of the Circuit Court for Gadsden County, Florida, who shall record the same among the records of land sold for taxes.

Record of sales.

Sec. 61. At the expiration of two years from the time of such sale if the owner shall not have redeemed the same,

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Tax deed.

by the payment of all costs and the amount of the taxes, together with twenty-five per cent. on such amount, then and in that event, the purchaser at such tax sale shall be entitled to a tax deed. The Clerk of the Circuit Court shall make such deed. All redemptions shall be made with the Clerk of the Circuit Court, which may be made at any time before the issuance of a tax deed.

State tax law.

Sec. 62. All the provisions of the State law for the enforcement and collection of State and county taxes shall avail the said municipal government hereby created as fully and completely as if embodied herein, in so far as the same does not conflict with the provisions of this charter.

State law for incorporation of towns.

Sec. 63. All the powers, privileges and provisions of the general law for the incorporation of cities and towns when not in conflict with the terms of this act, shall be and the same are hereby made a part of this charter.

Present officers' terms.

Sec. 64. That the present officers of the said Havana shall hold their respective offices and perform all the functions thereunder until their respective terms have expired and their successors are elected and qualified.

Former ordinances.

Sec. 65. All ordinances of said Havana heretofore in force, when not in conflict with the provisions hereof, shall be and remain in full force and virtue until repealed by the Council.

Sec. 66. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 67. This act shall go into effect upon its approval and signing by the Governor.

Approved May 21, 1907.

AN ACT Relating to the Municipality of Jacksonville; to Fix and Determine the Number and Boundaries of the Wards of Said City; ot Provide for the Qualification of the Electors of Said Municipality, in Addition to Those Now Provided by Laws and Providing the Mode and Manner by Which the City Council of Said Municipality may Change the Number and Boundraies of the Wards of Said City, as Fixed and Defined by This Act.

Be it enacted by the Legislature of the Satte fo Florida:

Section 1. The territory comprising hte municipality of Jacksonville, in Duval County, Florida, shall be divided into nine (9) wards, said wards to be numbered from one (1) to nine (9), both inclusive, the number and numberings of which said wards shall be and remain as now, and the boundaries of said wards numbered two (2), three (3), four (4), five (5), eight (8) and nine (9) shall be and remain as now defined and established, and the boundaries of said wards numbered one (1), six (6), and seven (7), shall be as follows:

Ward No. 1. Beginning at a point on the south side of the channel of the St. Johns river, where the section line between Sections one (1) and twelve (12), township two (2), south of range twenty-six (26) east, prolonged easterly will intersect the channel of said river, and running from said point on said river west, along the northern boundary line of the city to the center of Main street in Springfield; thence in a southerly direction along the center of said Main street to the center of First street in Springfield; thence easterly along the center of said First street to the Seaboard Air Line Railway; thence north along the said Seaboard Air Line Railway to the southwest corner of Section seven (7), township two (2), south range twenty-seven (27) east; thence east along the south line of said Section seven (7), and of the Barton donation to the channel of the St. Johns river; thence down said river to the place of beginning

Wards.

Boundaries of wards numbered 1, 6 and 7.

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Boundary
line of Ward
No. 6.

Ward No. 6. Beginning at the center of the intersection of Main street in Springfield with the northern boundary line of the city; thence southerly along the center of said Main street to the center of First street in Springfield; thence westerly along the center of said First street to Hogan's Creek; thence up said creek to a point at which the projection of the center line of Missouri avenue easterly would intersect Hogan's creek; thence westerly along the line of said projection to the center of Missouri avenue to its intersection with the center of Jefferson street; thence southerly along the center of Jefferson street to its intersection with the center of State street; thence westerly along the center of State street to the center of Davis street; thence northerly along the center of Davis street to the center of King's Road; thence northwesterly along the center of King's Road to the north and south half section line of Section ten (10), township two (2) south, range twenty-six (26) east; thence north along the said half section line to the north half mile post on the north line of said Section ten (10); thence east along the north line of said Sections ten (10) and eleven (11) to the place of beginning.

Boundary
line of Ward
No. 7.

Ward No. 7. Beginning at a point on the south side of the channel of the St. Johns river, where the center of Cedar street prolonged southerly would intersect the channel of said river; thence northerly along the center of said Cedar street to Hogan's creek; thence along said creek to a point at the intersection of the projection of the center of Missouri avenue to said creek; thence westerly along said projection and the center of Missouri avenue to the center of Jefferson street; thence southerly along the center of Jefferson street to the center of State street; thence westerly along the center of State street to the center of Davis street; thence northerly along the center of Davis street to the center of King's Road; thence northwesterly along the center of King's Road to the center of Cleaveland street; thence southerly along the center of Cleaveland street to the center of Adams street; thence easterly along the center of Adams street to the center of Jefferson street; thence southerly along the center of Jefferson street to the center of McCoy's creek; thence down McCoy's creek to the south side of the channel of the St. Johns river to the point of beginning.

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Sec. 2. The City Council of said municipality shall have power by ordinance passed at any regular meeting to change the number and boundaries of all or any one or more of the wards comprising the territory of said municipality as fixed and determined by this act; Provided, that such ordinance shall not be valid except it shall have received a two-third vote of all the members of said council; and, Provided further, that no change in the number and boundaries of said wards as fixed and defined by this act shall be made until after the next general election to be held by the electors of said municipality as provided by law.

Council may change boundaries.

Provido.

Provido.

Sec. 3. In case the name of an elector appears in any ward of said municipality in which he does not reside at the opening of the registration books prior to any city election, he shall not be permitted to vote at such election unless his name shall be transferred before such election by the registration officer or the Election Commissioners to the proper ward in which he resides.

Registration in ward other than in which elector resides dis-qualifies elector.

Sec. 4. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 5. This act shall take effect immediately after its passage and approval by the Governor.

Approved May 1st, 1907.

LAWS OF FLORIDA.

CHAPTER 5811—(No. 216).

AN ACT to Legalize the Incorporation of the Town of Jasper in Hamilton County, Florida, to Declare the Incorporation and Ordinances of Said Town and of Full Force and Effect, to Establish and Create the Municipality of the City of Jasper, to Fix and Define the Boundaries of the City of Jasper, and to Provide for its Jurisdiction and for the Judicial Powers of its Judicial Officers.

Be it Enacted by the Legislature of the State of Florida:

Incorporation.

Section 1. That the Town of Jasper in Hamilton County, Florida, be, and the same is, hereby declared in all respects a legally incorporated city, with all the powers incident thereto, under the laws of the State of Florida.

Former ordinances.

Sec. 2. That the ordinances heretofore passed, and all acts heretofore done and performed by and through the Town Council, Mayor and other officers of said City of Jasper, not in conflict with the Constitution of the United States or of this State, are hereby declared to be of full force and validity and binding both in law and in equity.

Territorial.

Sec. 3. That the territorial boundaries of the City of Jasper shall be fixed and defined as follows: that is to say: Beginning at the northeast corner of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 32, Township 2 north of Range 14 east, and from there run west one and one-fourth miles to the northwest corner of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 31, Township 2 north of Range 14 east, and from there run south one and three-eighths miles and from there run east one mile two hundred and twenty yards, and from there run north one mile two hundred and twenty yards, and from there run east two hundred and twenty yards, and from there run north four hundred and forty yards to point of beginning. All of the territory lying within the limits so described being hereby designated as within the territorial limits of the City of Jasper, Hamilton County, Florida.

Sec. 4. That the said corporation shall have perpetual

succession, shall sue and be sued, plead and be empleaded, contract and be contracted with, and have a common seal which shall be fixed by, and which may be changed by, the City Council at pleasure.

Sec. 5. That said corporation may own, purchase, lease, receive, acquire and hold property, real and personal, within the territorial boundaries of said corporation, and may purchase, lease, acquire and hold property, both real and personal, beyond the limits of said corporation, to be used for any and all such public purposes as the Mayor and City Council may deem necessary and proper.

Property rights.

Sec. 6. That said corporation is hereby fully empowered to sell, lease, convey and otherwise dispose of any and all property, real and personal, which may belong to said corporation, to the same extent as an individual may. And the City Council may prescribe, by ordinance, the manner of making such conveyances.

Authorized to handle property to same extent as an individual.

Sec. 7. That the corporate officers, or City authorities, of said City of Jasper shall be vested in the Mayor, City Council, Clerk, Treasurer, Registration Officer, Marshal, Tax Collector, Health Officer and such other officers as may be constituted by ordinances; Provided, however, that the offices of Clerk, Tax Assessor and Registration Officer may be held by one and the same person, and the office of Marshal and Tax Collector may be held by one person, as may be provided by ordinance, and no person shall be eligible to any of said offices who shall not be a citizen of the State of Florida, county and city, and all such officers shall, during their term of office, reside in the City of Jasper. The said officers shall be elected by the qualified voters of said city at such time as may be fixed by the ordinances thereof and shall hold their respective offices for the term of one year, and until their successors are qualified, except members of the City Council, who shall hold their offices for a term of two years, and until their successors are qualified. Until the first general election of said city, after the passage of this act, the present officers of the Town of Jasper shall be the officers of the City of Jasper.

Corporate authority.

Sec. 8. That the Mayor's compensation shall be fixed by ordinance and shall not be changed during his term of office. He shall have power to preserve peace and order and

Power of Mayor.

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**Powers,
jurisdiction,
compensa-
tion and du-
ties of
Mayor.**

to enforce the ordinances of said city, and the Mayor shall have jurisdiction for the trial of all offenses against the ordinances of said city. He shall see that the ordinances are faithfully executed and duly observed and enforced. He shall have power by his warrant to have brought before him any person, or persons, charged with the violation of the city laws, upon the sworn complaint of any person, and shall have power to require the attendance of witnesses for and against the accused, whether such witnesses reside within the city or not, and to administer oaths and take affidavits and to inquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of any person accused of a violation of the city laws, and to impose such penalties as may be provided by ordinance, and to have the same enforced, to release persons convicted of offenses against the city ordinances; to remit fines, when in his judgment justice so requires; and to have and exercise all powers and privileges incident to and usual to the enforcement of his jurisdiction and powers hereby granted.

**Power of
Mayor to
suspend
officers.**

Sec. 9. That the Mayor shall have power to suspend any officer, except Councilmen, for misconduct in office or neglect of duty, reporting his action in writing, with the reasons therefor, to the next regular meeting of the City Council for its approval or disapproval, and that upon the disapproval of any such suspension by the Council, the officer, or officers, so suspended shall immediately be restored to the exercise of his, or their, official duties and privileges.

**Mayor's su-
pervision,
etc., over
officers.**

Sec. 10. That the Mayor shall have general supervision over all officers and the police force, and may examine into the condition of the officers, the books, records, papers thereof, and the manner of conducting official business, and he shall report to the City Council all violations or negligence on the part of any official that may come to his knowledge. And it is his duty to make such recommendations to the City Council as he may think proper, and he shall appoint such police force, with the consent of the Council, as may be deemed necessary to insure peace, good order, and observance of law within the city, the compensation of policemen to be regulated and fixed by the Council, and should the necessity arise for a special policeman during the recess of Council, then

he may make such pro tempore appointments as may be necessary.

Sec. 11. That every ordinance passed by the City Council, before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk, and if the Mayor approves the same, he shall sign it and return it to the Clerk; but if he should not approve it, he shall return it to the Clerk with his objections in writing at or before the next regular meeting of the Council for consideration, and if the Council shall pass the ordinance by a two-thirds majority vote of all the members it shall go into effect, and if the Mayor shall fail to return any ordinance, or shall return the same unsigned, with his objections in writing, at or before the next regular meeting of the City Council, after its passage, he shall be deemed to have approved same, and it shall become a law without his signature; *Provided*, however, that if less than ten days intervene between the time of the receipt of such ordinance by the Mayor, and the next regular meeting of the Council, the said ordinance may be returned by the Mayor with his veto to the next succeeding regular meeting.

Duty of Mayor in approving or finances.

Sec. 12. The Mayor shall communicate from time to time such information and recommend such measures as he may deem proper, and shall perform such other duties as the ordinances prescribe.

Duties of Mayor.

Sec. 13. That the Mayor and President of the City Council may call special meetings of the Council, and when called he shall state the objects for such call, and the business of such meeting shall be confined to the objects so stated, and shall transact no other business.

Meetings of Council.

Sec. 14. That the Mayor may be impeached by the Council for misconduct in office; should charges be preferred against the Mayor, the Council shall present said Mayor with articles of impeachment, and shall proceed without unnecessary delay to investigate and decide them, and in such investigation shall have the power to take evidence under oath, and to require the attendance of persons and the production of papers, and it shall require a two-thirds vote of the City Council to remove him from office.

Impeachment of Mayor.

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In case of
death or ab-
sence of the
Mayor.

Sec. 15. That in case of the death or absence of the Mayor or his inability from any cause to discharge the duties of office of Mayor, the President of the Council, or in his absence the acting President of the Council, shall discharge the duties of Mayor as Mayor pro tempore until the office of Mayor shall be filled, or the disqualification or disability removed, and the Mayor shall be disqualified in the trial of any case under the circumstances and conditions in which a Judge of the Circuit Court would be disqualified under the laws of the State of Florida.

Vacancy.

Sec. 16. That if there should occur a vacancy in any of the offices of said city, such vacancy shall be filled in the manner prescribed by the ordinances of said city.

City
Council.

Sec. 17. The City Council shall be composed of five members who shall be elected for a term of two years at a general election of the qualified electors of said city, and they shall hold their office until their successors are elected and qualified.

Powers of
Council re-
garding its
members,
etc.

Sec. 18. The Council shall be the judges of the qualification, election and return of its members. It may prescribe rules of procedure and prescribe penalties for the non-attendance or disorderly conduct of its members, and enforce the same. Three-fifths of its members concurring, it may expel a member for improper conduct in office. A majority of the members of the Council shall be necessary to form a quorum, for the transaction of business, but a small number may adjourn from time to time and under the provisions of ordinance or rules of procedure, may compel the attendance of absent members by the imposition of fines and penalties. In the absence or inability of the President to act, they may elect a President pro tem.

Meetings.

Sec. 19. The Council shall hold regular meetings at such times as it may determine, holding not less than one regular meeting per month, and such special meetings as may be called by the Mayor or President of the Council.

President of
Council.

Sec. 20. The City Council shall, within five days after any general or special election, and the qualification of the members elected thereat, proceed to elect one of its members President, who shall preside over the Council until his successor as such President is elected as may

be provided, or until the expiration of his term of office. When acting as Mayor he shall be disqualified from presiding over the Council. A President pro tem shall be elected to preside over the Council during the absence or during such time as the President of the Council may be acting as Mayor.

Sec. 21. That the Council shall have power, and is hereby authorized, to create such offices and provide by ordinance for the election and appointment of all such additional officers and employees, as may, in their judgment be necessary for the good government of said city, and the offices so created may, in like manner be abolished at any time. Power of Council to create offices, etc.

Sec. 22. That all incumbents of offices created by this act or by ordinance shall be required to give such bond as the Council may prescribe. All such officers, before entering upon the exercise of the duties thereof, shall take an oath to faithfully discharge their several duties. Incumbents required to give bond.

Sec. 23. The City Council, shall have full power by ordinance, to collect license or taxes on privileges, occupations and professions, and to require and enforce the payment of a license tax on all business privileges, occupations or professions. To license, tax or regulate auctioneers, taverns, hotels, boarding houses, restaurants, markets, banks and peddlers; provided that nothing in this act shall be taken and considered as limiting the charge or power of said city to tax, license or regulate the business profession or undertaking; to license, tax and regulate hacks, carriages, cars, omnibuses, wagons, carts, drays and to fix the rate to be charged for the carriage of persons or property within city limits. To license, tax and regulate theaters or other exhibitions, shows, circuses, parades, or other places of amusements. To license, tax and regulate the sale of spirituous, vinous or malt liquors but no license granted by said city for such purposes shall be construed to give the licensee any right or privilege except so far as said city is concerned, and when there has been held an election in Hamilton county to decide whether the sale of spirituous, vinous or malt liquors shall be prohibited therein, and when the results of said election shall be against such sale, and during the time that such local option regulations may be in force and Powers of Council.

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effect, the city may prohibit by ordinance, the sale of intoxicating liquors, wines or beer with said city, and prescribe a punishment thereunder.

**Fund for
debts, etc.**

Sec. 24. That the City Council shall appropriate a fund for the payment of the debts, obligations and expenses of the Town of Jasper, and hereafter of the City of Jasper.

Institutions.

Sec. 25. That the City Council shall, have power to establish, maintain and regulate hospitals, jails, houses of detention and correction, and shall have power to provide for, conduct and maintain schools, and shall have power to donate, contribute and provide for the support, maintenance of the school or schools located in said city.

**Powers of
city by or-
dinance.**

Sec. 26. That said city shall have power by ordinance, to make regulations and secure the general health of the inhabitants, and to regulate the inspection of milk, butter, lard and all groceries and provisions of whatever nature, kind or class, and to regulate the vending of meat, poultry, fish, oysters and other articles of like nature and of fruit and vegetables, and to establish and regulate the conduct of markets, and to this end may provide by ordinance for the appointment of or election of the City Health Officer, provide for his duties and compensation, and whose duty, among other things, shall be to see that the vending of meats and green groceries of any kind or character is conducted in a neat, clean, healthful and wholesome manner, and it shall be the duty of said City Health Officer to make complaint and prefer charges against any person or persons violating any of the ordinances of said city, with reference to anything coming under his supervision.

**Waterworks,
sewerage,
fire protec-
tion, etc.**

Sec. 27. That the City Council shall have power to provide said city with waterworks, to provide for the prevention or extinguishment of fires by organizing and establishing fire departments and companies, and provide for the lighting of said city, and shall have power to provide for a system of sewerage for said city and for the connection therewith of all closets in said city, and may provide that the said connection, as well as the cost of maintaining same, shall be paid for by the property owner, and shall have power to fix and regulate the charges for the furnishing of lights and water to the citizens of said

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city, and the connection of said closets with said sewerage.

Sec. 28. That the City Council shall have power to open, alter, extend, widen, establish, grade, pave, and otherwise improve, clean and keep in repair, streets, alleys, sidewalks, and to erect and keep in repair bridges, culverts, sewers and gutters.

Streets, alleys, sidewalks, etc.

Sec. 29. The City Council shall have the power to order the fixing or otherwise improving of any street or of any sidewalk or portions thereof in any manner that they may deem proper.

Improvement of streets, etc.

Sec. 30. That the city of Jasper may issue bonds for the purpose of building and repairing public school and college buildings of the city; widening and extending streets or parks, purchasing or establishing light plant for the city, or for any other municipal purposes as herein defined, to an amount not exceeding twenty per cent. of the assessed value of the real and personal property within the city limits, together with such other bonds as may be prescribed for from time to time by ordinance and voted for by the registered and legally qualified voters of said city, but no bonds shall be issued by said city until the question of issuing the same has been decided in favor of such bond issue by two-thirds of the legal votes actually cast in an election held for that purpose, and no elector shall be allowed to vote in such election who does not own real estate in said city, and have paid their taxes for the year last due thereon.

Bond issue.

Sec. 31. That the Council shall have the power to prohibit, by ordinance, and suppress all gambling houses, bawdy houses and disorderly houses, any exhibition, show, circus, parade, or amusement contrary to good morals, and all obscene pictures and literature, to regulate, restrain or prevent the carrying on of manufactures dangerous in increasing or producing fires; to regulate the storage of gun powder, tar, pitch, rosin, saltpeter, gun, inflammable materials, and the use of lights, candles, lamps, and steam pipes all stables, shops and other places; to regulate and suppress the sale of and use of firecrackers, and all other fireworks, toy pistols, air guns, and sling shots; to provide for the arrest, imprisonment and punish-

Powers of Council by ordinance.

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Powers of
Council.

ment of all vagrants and all riotous and disorderly persons within the city by day or by night, by warrant or otherwise, and for the punishment of all breakers of the peace, and to disburse all disorderly assemblies on the Sabbath or secular day; to pass all ordinances necessary to the health, peace, convenience, good order and protection of the citizens, and to carry out the full extent and meaning of this act, and accomplish the objects of this corporation; to impose penalties on the owners, occupants or agents of any house, walks or sidewalks, or other structure, place or thing, which may be dangerous or detrimental to the citizens or their property, unless after due notice the same shall be remedied or removed; to regulate, tax, license or suppress by fine or imprisonment the keeping or going at large of all animals, fowls and domestic birds within the city, to impound the same, and in default of redemption in pursuance of ordinance to sell, kill, or otherwise dispose of the same; to provide for the enclosing, improving and regulating of all public grounds belonging to the town in or out of the corporate limits; to provide for the organization and maintenance of police force, and to impose fines, forfeitures and penalties and terms of imprisonment of offenders against the ordinances at hard labor on the streets or other work to be designated by ordinance, and to provide ways and means to prevent their escape; to compel owners of buildings to erect fire escapes when necessary for public safety, or for the safety of the occupants thereof; to grant, upon the affirmative vote of a majority of the freeholders of the said city the right-of-way through the streets, avenues and public grounds for the purpose of street and other railways; Provided, that nothing in this section shall be so construed as to deprive any abutting owner from recovering any damage that he may incur by reason of granting such right-of-way; to provide for the construction of sewer and drainage, and for keeping them in repairs, and to assess expenses of the property that shall be especially benefited by the improvement in proportion to the amount of such benefit, or upon the abutters in proportion to frontage, and upon all land drained thereby and which receives the benefit; Provided, that Council may by ordinance, or resolution, provide for the payment of any part of the cost of such work or improvement out of the general tax; the reasonable cost of such improvement, construction or

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repairs, shall be equally assessed against said property and shall be a lien thereon and be enforced by any suit in any court having jurisdiction; to take and appropriate private grounds and private property in the manner and form provided by law for condemnation, for widening streets or parts thereof, or for extending the same, or for laying out new streets, avenues, alleys or squares, parks or promenades when the public convenience shall require it, and to assess the expenses and cost pro rata for such improvement upon the property specially benefited thereby; to require parties or their agents owning property within the city to bring the same to a grade of topographical level by filling or excavations as shall be deemed necessary, the city having and exercising the same right of lien and its enforcement as provided in case of sidewalks, and when said works of excavation or filling in by the city shall be done by the city.

Powers of Council.

Sec. 32. Members of the City Council shall receive such pay for their services as may be fixed by ordinance.

Compensation.

Sec. 33. That the City Council shall, by resolution, determine the number of standing committees, the number of members of which each of said committees shall consist, and shall designate the character and duties of each, and the President of the Council shall appoint said committees annually and as soon after organization as possible, provided, that the Mayor, by and with the consent of the City Council, may appoint a standing committee, whose duties, powers and qualifications shall be fixed by ordinance, and said standing committee shall, among other things, have the power to provide for the working of public streets and bridges of said city, by the male persons residing in said city from the age of sixteen to fifty-five years, and may, in lieu of such work by any such person, collect seventy-five cents per day, and said City Council may provide by ordinance that no more than twelve days work upon the streets and bridges of said city may be required of any one residing therein.

Committees.

Sec. 34. There shall be elected by the qualified voters of said city, at the regular annual election as aforesaid, a Tax Assessor, whose duty it shall be to assess all the property within the city limits, both real and personal, between the first day of May and the first day of July

Tax Assessor.

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of each year. The manner in which he shall perform his duties shall be determined by order of the City Council. He shall give bond for the faithful performance of his duties, with security to be approved by the Council. He shall be authorized to administer oaths or affirmations in the listing of property for taxes, and shall receive such compensation as the City Council shall fix.

**Duties of
Assessor.**

Sec. 35. The Tax Assessor, with the approval of the City Council, may assess all property, both real and personal, with a complete list, and place the valuation of said real estate or land property and personal property, not given in under oath, at its value, taking into consideration the actual selling price of such property, and nothing in this section shall be construed as to prevent said Assessor and the City Council from either raising or lowering the assessment of personal property given in under oath, when in their judgment such changes are necessary to equalize the burden of taxes; provided, however, that no assessment of real or personal property shall exceed a valuation twenty-five per cent. greater than the assessment made by the County Tax Assessor.

**Property-
holders re-
quired to
make re-
turns to
Assessor.**

Sec. 36. All persons, corporations or firms, owning real estate or personal property liable to taxation in said city, are required to make return and list the same to the said Assessor before the first day of June in each year, and upon failure to make such return and list, the Assessor shall assess and list any and all properties not presented in the name of the owner, or as unknown, and in no case shall the assessment of taxes thereon be held invalid or not lawfully made or enforced payment of the taxes thereon to be resisted by reason of such property being assessed otherwise than in the name of the real owner.

**Listing and
describing
real estate.**

Sec. 37. Real estate shall be taken and listed by blocks and lots when so platted to be recognized by subdivisions, township and range, or by metes and bounds when same is not platted into blocks and lots and in parts or fractions of either. And when such land is so described and listed by the owner or agent, and the lot and subdivision belonging to one owner and lying contiguously or adjacent may be assessed together and the taxes extended on one line.

Sec. 38. The assessment of personal property shall be

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separate from the real estate, but the personal property shall be responsible for the taxes on real estate, and real estate shall be responsible for the taxes on personal property, and the words "personal property," shall be sufficient designation of personal property, for the purpose of taxation when the same is not otherwise described.

Taxes on
real estate
and personal
property.

Sec. 39. If the Assessor shall, in making his assessment, discover that any real estate and personal property was omitted from the assessment roll of either or all of the previous three years, or that any real estate was illegally sold for taxes for any such year or years, and was then liable for taxes, he shall, in addition to the assessment of such real estate for the current year, assess the same for such year so omitted from taxation or so illegally sold, noting such separate assessment on the assessment roll for the current year, and the same shall have the force and effect it would have had if properly made in such previous year or years, and the taxes shall be levied or collected thereon, in like manner, together with the taxes of the year when the assessment is made, and all real estate shall be subject to such arrears of taxes into whatsoever hands it may come.

Omitted as-
sessment,
etc.

Sec. 40. It shall be the duty of the Assessor to complete his assessment roll on or before the first Monday of each year, or as soon thereafter as practicable, and on such day he shall meet with the City Council for the purpose of reviewing and equalizing said assessment, or as soon thereafter as practicable. Upon making an increase in valuation of any property on the assessment roll, the City Council shall give notice of such increase of valuation to the owner or agent of said property, not less than five days, personally or by publication, and reasonably describe the property intended to be raised in the valuation, and any person shall have the right to appear in person or by letter, agent or attorney, and show cause why such increased valuation should not be made.

Assessments,
equaliza-
tions, etc.

Sec. 41. After the review and equalization of said assessment roll, the City Council shall determine the amount of money to be raised for general city purposes, which shall not be more than eight mills on the dollar on the total value of the real and personal property of said city. The City Council may levy an additional tax, as may be

Levy.

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necessary, for school purposes, for building purposes, for water and fire protection, for the laying and improvement of streets and sidewalks and for the lighting of said city. A levy for the interest of any bond issued by the city prior to the adoption of this act, or as hereinafter provided, and for a sinking fund to pay the principal thereof, may also be made each year.

Preparation
of assess-
ment roll.

Sec. 42. The Assessor shall immediately thereafter calculate and carry out the several assessments of taxes as so levied, properly designating the several levies in the separate columns prepared for that purpose, rejecting fractions of a cent. He shall add up all the columns of assessment of values and taxes levied as shown on the roll, and make recapitulatory tables thereof. He shall make a copy of said assessment roll when completed, and to the original shall attach his certificate in substance as follows:

Assessor's
certificate.

I,, the Assessor of Taxes for the City of Jasper, do hereby certify that the foregoing is the assessment roll of the taxable property in said city, valued at its fair cash value, and that it contains a true statement and description of all property in said city subject to taxation by said city, or liable to be assessed therein; that the listing and valuation in said roll show correctly and accurately the valuation as corrected, accepted and adopted by the City Council, and that all the requirements of the laws and ordinances regulating and making the assessment roll for said city have been complied with.

Dated, (Signed)

Tax Assessor for the City of Jasper.

Sec. 43. On the first Monday in November, or as soon thereafter as practicable, the Council shall examine the original and copy thereof, and if found correct, shall so certify on each roll, which certificate shall be signed by at least a majority of said Council. The Tax Assessor shall then attach to the original the following warranty:

Assessor's
warrant.

To, the Tax Assessor of the City of Jasper:

You are hereby commanded to collect out of the property and from each of the persons, firms, or corporations named in the annexed assessment roll, the taxes set down on said roll opposite each name or parcel of land therein described, and in case the taxes so imposed are not paid

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at the time prescribed by law, and all money collected you are to account for to the Treasurer of the City of Jasper, Florida. And you are further required to make all collections and reports and final report to and settlement with the City Council of said city, as required by law and ordinance.

Given under my hand and seal, this the day of, A. D. 190...

(Seal)

.....,
Tax Assessor, Jasper, Florida.

The Assessor shall receive such compensation as shall be fixed by the Council prior to his election. When the Assessor is combined with the office of City Clerk or other office, the compensation may include both offices. Assessor's compensation.

Sec. 44. All taxes, (except license taxes,) shall be due and payable on and after the first Monday in November, or as soon thereafter as the assessment roll shall come into the hands of the Tax Collector, of which he shall give public notice, and taxes remaining due and unpaid on the first Monday of April thereafter, shall be enforced as hereinafter provided. When taxes due.

All taxes, together with the cost or legal expenses, shall be a lien on the real or personal property assessed, and taxes on such property shall relate back to the first day of January of the year for which the same are assessed and levied. Lien.

Sec. 45. The city Tax Collector shall be elected by the qualified voters of the city of Jasper, and shall hold his office for one year. He shall give a good and sufficient bond for the faithful performance of duty, as the City Council may require; said bond shall be approved by the Council before the Collector shall enter upon the duties of his office. His compensation shall be fixed by the City Council prior to his election to the office. Tax Collector.

Sec. 46. If the Collector shall discover after assessment roll has come into his hands that any property has been improperly omitted from said assessment roll or illegally assessed, which was subject to taxation, he may assess the same, giving notice of such assessment to the owner, agent or occupant, and he shall make a proper report of Duty of Collector as to erroneous assessments.

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all cases to the City Council at the first meeting thereof after such discovery, and the City Council may at any time correct or cause to be corrected any omission or error in the said assessment roll or rolls.

Tax sale.

Sec. 47. If the taxes on any real and personal property remain unpaid on April the first, the Collector shall order a sale of the same at the courthouse in the manner and form that is, or may be, provided by the State revenue law, as far as can conveniently be followed, except as otherwise provided herein. The Council may contract for the publication of notice of any city tax sale, or shall post same in at least three conspicuous places in said city, which notice shall be similar in form to that prescribed by the State and proof of the publication or posting of such notice, with a copy of said notice as published or posted, shall be made by some authorized person connected with the newspaper making the same or by the city official posting the same, and be filed with the City Clerk who shall carefully preserve the same. A substantial compliance with the manner and form of sale for taxes referred to shall be sufficient. Any property erroneously sold may be reassessed as hereinbefore provided, or may be re-advertised and sold, but only charges and cost for one sale shall be charged against said property. The Collector shall give the purchaser of any property at any such tax sale a certificate of such sale in the usual form, and such certificate shall be subject to assignment or transfer, as may be provided by the ordinance of said City Council.

Collector's
duties re-
garding the
lands sold
at tax sale.

Sec. 48. The Collector shall make out lists in duplicate of all land so sold by him, giving name and owner, if so assessed, description of lands, name of purchaser, the amount sold for, together with the date and place of such sale, and shall append to each his official certificate, that such sale was made according to law. One such list shall be filed with the City Clerk, and one with the Clerk of the Circuit Court of the county. The list filed with the Circuit Court he shall record with suitable book provided by the City Council who shall pay the usual fee for such recording.

Tax deeds.

Deeds for real estate sold for delinquent taxes by the city may be procured after the period of redemption has expired, but the thirty days prior notice of application for

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such deed shall be given by posting at the courthouse door, and by mailing to the owner of such property, if name and address are known. The Clerk of the Circuit Court shall receive one dollar for such deed.

Sec. 49. The Collector may collect taxes remaining due on personal property on the first day of April by levy upon and sale of such property, or any part thereof, and his written description of such property, with the date of assessment and amount due, and any cost shall be filed with the City Clerk at the time of such levy. At least fifteen days notice shall be given by the Collector by at least three insertions in some newspaper in said city, and if there be no newspaper in said city, then by posting in three conspicuous places. When such property cannot be readily moved to the place of sale at the door of the City Hall or Council Chamber, it may be sold where it is located in said city.

Sale of personal property for taxes.

Sec. 50. Redemption of property sold for taxes may be made in such manner and form as the Council may provide by ordinance, and in the event of no such provision being, made redemption shall be made through the appropriate city officers in a manner substantially to that provided in case of tax sale, by the State or county, so far as same shall be applicable.

Redemption of property.

Sec. 51. That the Collector shall have power to bid in, or cause to be bid in, property for the city at all and any tax sale under process of law.

Power of Collector to bid in property.

Sec. 52. When land is bid off by the city at any tax sale and such land is not redeemed, nor the certificate of such lands sold and transferred by said city, the title to such land, pursuant to such a tax sale shall, at the expiration of the time for redemption, vest in said city without the issuing of a deed.

Lands that are bid off by city vest without deed.

Sec. 53. Nothing in this act can be construed to impair the validity of any assessment of taxes by said city prior to the passage of the same, or of any tax sale made pursuant to any such prior assessment.

Prior assessments and sales.

Sec. 54. The City Clerk shall be elected by the qualified electors of the City of Jasper, and shall hold office for the term of one year. He shall also act as Clerk of the muni-

City Clerks.

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cipal court and City Council. He may administer oaths and issue warrants for the Marshal to arrest offenders to be brought before the Mayor for trial. The Clerk shall give such bond as the City Council may fix, and shall perform all the duties not imposed upon the Clerk by ordinances, not inconsistent with the provisions of this chapter. His compensation shall be fixed by the City Council.

Treasurer.

Sec. 55. There shall be elected by the qualified electors of the City of Jasper, a Treasurer of said city, who shall hold office for one year, whose duties shall be such as are now or hereafter to be prescribed by ordinance, which shall be fixed by the City Council.

Marshal.

Sec. 56. That there shall be a Marshal who shall serve for one year and until his successor is elected and qualified. He shall be elected annually at the general election for city officers herein provided for. He shall give such bond as the Council may by ordinance prescribe, and shall receive such compensation as is provided by ordinance, which shall not be changed during his term of office.

**Duties of
Marshal.**

Sec. 57. That it shall be the duty of the Marshal to attend all special and regular meetings of the City Council; to aid in the enforcement of order under direction of the presiding officer; to execute the commands of the Council from time to time, as well as of the Mayor in the line of his duty, and to execute all process issued by authority thereof; to attend the Mayor's Court and during its sittings and to execute its commands; to aid in the enforcement of order therein under direction of the Mayor, and to perform such other duties as may be appropriate to his office under the provisions of law, or as required by ordinance. He shall have control of the police force, subject to the commands of the Mayor, and shall have police powers of arrest.

**Power of
Marshal to
arrest with-
out warrant,
etc.**

Sec. 58. That the Marshal shall have power and authority to immediately arrest, with or without warrant, and to take into custody any person or persons who shall commit, threaten or attempt, in his presence or within his view, any offense prohibited by the ordinance of the city; and he shall, without unnecessary delay, upon making such arrest, convey the offender or offenders before the Mayor to be dealt with according to law.

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Sec. 59. That the Marshal and members of the police force, in addition to the powers incident to their office, and as herein designated, shall possess common law and statutory authority of constable, except for the service of civil process.

Statutory authority of Marshal and police force.

Sec. 60. That the first election of officers under this act shall be held by the present officers of the Town of Jasper in accordance with the ordinances of said town, and the general laws of the State of Florida, in so far as they may apply to municipal elections on the first Wednesday after the first Tuesday in March, A. D. 1908, and annually thereafter on that day. The persons then elected as such officers shall be sworn into office on the day following, or as soon thereafter as practicable, when their terms of office shall begin; Provided, however, that no officer required to give bond shall be allowed to enter upon the duties of his office until after he shall have given a good and sufficient bond for such sum of money as may be required by ordinance, and with such sureties as shall be acceptable and approved by the Mayor and City Council.

First election.

Sec. 61. Should any elective officer required by this act or ordinance to give bond fail within thirty days from the day of his election to give such bond as would be approved by the City Council, said office shall be declared vacant and shall be filled as provided by ordinance until the next regular city election.

Failure of officer to give bond.

Sec. 62. The City Council shall, by ordinance, provide for the holding of all general elections, the return and canvassing of results of all the general and special elections, the appointment of Clerks and Inspectors of Election, the registration and qualification of voters, but shall comply as nearly as practicable with State laws governing elections.

Elections.

Sec. 63. That all assessment, levies and collections of taxes heretofore done and performed by the corporation of Jasper, Florida, are hereby legalized and declared valid and of full force, virtue and effect, and binding in law and equity.

Former assessments and collections.

Sec. 64. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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Sec. 65. This act shall take effect from and after its passage and its approval by the Governor.

Approved May 23, 1907.

CHAPTER 5812—(No. 217).

AN ACT to Establish the Municipality of Key West, Provide for Its Government and Prescribe Its Jurisdiction and Powers.

Be It Enacted by the Legislature of the State of Florida:

Incorporation.

Section 1. That all the inhabitants comprehended within the limits of the entire island of Key West shall be and are hereby constituted a body corporate and politic under and by the name of the City of Key West, and by that name hold real estate, personal and mixed property, and dispose of the same for the benefit of the said city, and may purchase, lease, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for erection of waterworks and lighting plant, for the establishment of poor houses, pest houses, house of detention and correction, for public parks and promenades, and for any public purpose that the Mayor and City Council may deem necessary and proper, and may sell, lease or otherwise dispose of such property for the benefit of the city to the same extent as natural persons may. The said city shall have and use a common seal and change it at pleasure; Provided, That nothing in this section shall apply to the sale of the streets of said city or any appurtenances thereto.

Rights.

Proviso.

Corporate authority.

Sec. 2. The government of said city shall be vested in a Mayor and a common council to be called the City Council of the city of Key West, and the said Mayor and said Councilmen shall be elected by the qualified electors thereof; and one of said Councilmen shall be elected from each ward by the qualified electors thereof, and the remaining five from the city at large, thus making the whole number of Councilmen as follows: Five from the city at large and one from each ward in said city.

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Sec. 3. That said city shall be divided into six wards, to be known and designated as the First, Second, Third, Fourth, Fifth and Sixth Wards, respectively, which wards shall be as follows:

The First Ward shall be all that portion of the city of Key West, according to Chas. W. Tift's map, within the following territory, viz.: Squares one, two, three, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five.

The Second Ward shall be all that portion of the city of Key West, according to Chas. W. Tift's map, within the following territory, viz.: Squares thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one.

The Third Ward shall be all that portion of the city of Key West, according to Chas. W. Tift's map, within the following territory, viz.: Squares fifty-two, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three and sixty-four.

The Fourth Ward shall be all that portion of the city of Key West, according to Chas. W. Tift's map, within the following territory, viz.: Tracts three, four, five, six and seven.

The Fifth Ward shall be all that portion of the city of Key West, according to Chas. W. Tift's map, within the following territory, viz.: Tracts ten, eleven, twelve and thirteen.

The Sixth Ward shall be all that portion of the city of Key West, according to Chas. W. Tift's map, within the following territory, viz.: Tracts fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, and all other portions of the city not included in the other described wards.

Provided, however, That the said City Council shall have the power at the end of every five years during the life of this charter to alter, change, abolish or increase the boundaries of the number of said wards as they may deem best.

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Officers.

Sec. 4. The government of said city shall be carried on by the following officers: A Mayor, the City Council, a Chief of Police, Captain of night Police, a Clerk, a Treasurer, a Municipal Judge, to be known as the Police Justice, a Tax Assessor, a Tax Collector, an Auditor, a City Attorney, Chief of the fire department, a Health Officer, a Sexton, a Board of Election Commissioners, composed of three members, a Board of Public Works, composed of five members, and such other officers as may be provided by ordinance not inconsistent herewith; and all of said officers shall be qualified electors of said city of Key West, and shall perform such duties and receive such compensation as may be prescribed by the ordinances of the city of Key West not inconsistent with the provisions of this act.

No officer shall be personally interested in any work for city.

No member of the City Council, nor any appointee thereof or other officer of the city government, shall be directly or indirectly interested in any contract work, or work of any kind for said city. Any contract for work or material, in which any such prohibited person shall have an interest, shall be void, and no money shall be paid at any time to any person claiming under a contract with the City Council, until such person shall have first made oath that no person forbidden by this act has any interest in the same.

Duties of Mayor.

Sec. 5. The duties of the Mayor shall be to see that all the ordinances of the city are faithfully executed, and he is authorized by and with the consent of the City Council to organize and appoint such police force as shall be necessary to insure the peace and good order of the city and the observance of law within the municipal limits. He shall have power to appoint by and with the consent of the City Council all officers of the city who are not made elective by this charter except as is hereinafter prescribed.

Powers of Mayor.

He shall have power to bid in all property for the use and benefit of the city of Key West at any and all judicial sales or sales under process of law, where the city is a party; to make pro tempore appointments to fill all vacancies caused by death, sickness, absence or other disability of any city officer, but he shall not have the power to fill vacancies in the City Council, or Board of Public Works.

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He shall, for good cause, have the right to suspend any officer of said city, except members of the City Council; Provided, that at the next meeting of the City Council, after such suspension, the Mayor shall submit to the City Council in writing, the cause of such suspension, whereupon such City Council, upon due notice given to the accused, shall inquire into the cause of such suspension. If two-thirds of said Council present shall sustain the charges preferred by the Mayor, the officer shall stand dismissed.

The Mayor shall have the right to appoint some person to perform the duties of said suspended officer until the Council shall have passed on such suspension. ^{Mayor's right to appoint.}

If said suspension is sustained by the Council, the Mayor shall at once appoint a successor to said officer who shall be confirmed by the Council. ^{Mayor to appoint successor.}

The Mayor shall be elected by the qualified electors of said city and he shall be a qualified elector of said city. ^{Election of Mayor.}

Sec. 6. There shall be elected by the qualified electors, a Municipal Judge, to be called the Police Justice, of the city of Key West. ^{Police Justice.}

It shall be the duty of said Police Justice to hold daily terms of court, in such place as may be provided by ordinance, for the trial of all persons charged with the violation of any of the ordinances of said city, which trial shall be without jury, and upon conviction of such person or persons, to impose upon him or them such penalty as may be provided by ordinance. ^{Duty of Police Justice.}

He shall have power to summon witnesses, issue warrants of arrest upon affidavit duly filed, to administer oaths, and to do all other acts necessary for the performance of his duty. He shall also have power to punish for contempt of court, committed during the trial of any cause, in the presence of the court; to issue attachments for those who have been summoned as witnesses and have failed to appear and fine or commit said persons for their default. ^{Powers of Police Justice.}

He shall not have power to pass upon the validity of any ordinance of said city. ^{Exception.}

1907. No costs or fees of any description shall be assessed against any person or persons in said court.

**In case of
absence of
Judge or
Mayor.**

In case of the absence, sickness or disqualification of the Municipal Judge, the Mayor shall hold daily terms of court and shall have all the powers and perform all the duties of such Police Justice during the sickness, absence or disability of the Police Justice.

City Clerk.

Sec. 7. The City Clerk shall be elected by the qualified electors of the city of Key West. He shall also be Clerk of the Municipal Court. The Clerk shall perform such duties as may be prescribed by ordinance not inconsistent with this act.

Treasurer.

Sec. 8. There shall be elected by the qualified electors of said city, a Treasurer of said city, whose duties shall be such as are now or may hereafter be prescribed by ordinance.

**Tax Collec-
tor.**

Sec. 9. There shall be elected by the qualified electors of said city, a Tax Collector of said city, whose duties shall be such as are hereinafter set forth and which are already prescribed or may be prescribed by ordinance not inconsistent with this act.

**Tax Asses-
sor.**

Sec. 10. There shall be elected by the qualified electors of said city, a Tax Assessor, who shall perform all the duties hereinafter set forth, in addition to such other duties as may be prescribed by ordinance. He shall be liable for any loss to the city by reason of his failure to perform any duty required of him hereunder.

**Chief of
Police.**

Sec. 11. There shall be elected by the qualified electors of said city, a Chief of Police, who shall perform all the duties which are now or may hereafter be prescribed by ordinance.

**Election
Commis-
sioners.**

Sec. 12. There shall be elected by the qualified electors of said city, three Election Commissioners, whose duties and powers shall be those hereinafter set forth.

Sexton.

Sec. 13. There shall be elected by the qualified electors of said city, a Sexton of the city cemetery, whose duties shall be such as are now or may hereafter be prescribed by ordinance.

**Chief of Fire
Department.**

Sec. 14. It shall be the duty of the Mayor to appoint a Chief of fire department, who shall be named by the vol-

untee fire department of said city. He shall perform such duties as are now or may be hereafter prescribed by ordinance.

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Sec. 15. The City Council shall elect a City Attorney, ^{City Attorney.} who shall perform all the duties imposed upon him by the provisions of this act and such other duties as may be prescribed by ordinance, and save as herein prescribed, his compensation shall be fixed by ordinance.

Sec. 16. It shall be the duty of the City Council to elect ^{Supervisor of Registration.} some suitable person who shall be known as the Supervisor of Registration, who shall perform such duties as may be prescribed by ordinance and as are set forth herein.

Sec. 17. There shall be elected by the qualified electors ^{Captain of night police.} of said city, a Captain of night Police, who shall perform such duties as may be prescribed by ordinance.

Sec. 18. The Mayor shall appoint some reputable physician, who shall be known as the City Health Officer. ^{City Health Officer.} He shall be clothed with such powers as may be prescribed by ordinance not inconsistent with this act and the rules and regulations of the State Board of Health.

Sec. 19. It shall be the duty of the Mayor to appoint ^{Meat and Market Inspector.} some suitable person who shall be known as the meat and market inspector, who shall perform all duties required by ordinance of meat inspector.

Sec. 20. The City Council shall elect some suitable person ^{City Auditor.} to be known as the City Auditor, who shall perform all the duties required by ordinance now in force or which may be hereafter prescribed.

Sec. 21. All officers of said city shall, before entering upon the discharge of their duties, take and subscribe an ^{Officers shall subscribe to oath and give bond.} oath, before some person authorized to administer oaths, that they are entitled to hold the office to which they have been elected or appointed, and file the same with the City Clerk, and shall also give bond in such sum as may be required by ordinance, which said bond shall be approved by the City Council and recorded in the minutes of the meeting at which said bond is approved.

The terms of all officers provided by this charter except ^{Terms of office.} the Board of Public Works, shall be for two years or until

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their successors shall have qualified, unless herein especially provided for; Provided, That the term of all officers appointed by the Mayor shall terminate with the term of office of the Mayor so appointing.

Power to arrest without warrant, etc.

Sec. 22. The Chief of Police or any policeman of the city of Key West, may arrest, without warrant, any person violating any of the ordinances of said city, committed in the presence of such officer, and when knowledge of the violation of any ordinances of said city shall come to said Chief of Police or policeman, not committed in his presence, he shall at once make affidavit on information and belief before the Judge or Clerk of the Municipal Court, against the person charged with such violation, whereupon said Judge or Clerk shall issue a warrant for the arrest of such person.

Approval of ordinances.

Sec. 23. All ordinances passed by the City Council shall be neatly engrossed and afterwards submitted, before going into effect, to the Mayor or Acting Mayor for his approval. If approved, the Mayor or Acting Mayor shall sign the same and return it to the City Council at the next regular meeting.

Treatment of disapproved ordinances, etc.

If disapproved, he shall return the same, with his objections in writing, to the City Council at its next regular meeting, who shall cause the same to be entered in full upon the records of their proceedings, with the Mayor's objections thereto, and at said meeting shall proceed to consider said objections and pass upon the same. If upon consideration the City Council shall pass ordinance by two-thirds vote of the members present, which vote shall be entered upon the records, the ordinance shall then become a law, the Mayor's veto to the contrary notwithstanding. Any ordinance which shall not be returned to the City Council at its next regular meeting after its passage with the written veto, shall become a law in like manner as if approved by the Mayor or Acting Mayor. No ordinance shall become a law without having been read once upon two separate days. All ordinances before they shall become a law or take effect must be published at least one time in some newspaper published in the city of Key West; Provided, That nothing herein contained shall prevent the City Council at any time arranging, codifying, adding to or supplementing ordinances of the

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city of Key West and publishing the same in appropriate volume or volumes, which shall become the laws of the city of Key West upon the adoption of said codification; said codification being not inconsistent with this charter.

Sec. 24. The President of the City Council, during the absence or disability of the Mayor, shall act as such Mayor, but while so acting as Mayor he shall not have the right to act or vote as a member of the City Council, who shall, in such cases, elect a President Pro Tem. and in case the Mayor shall be absent or laboring under any disability, for more than three days at a time, the Acting Mayor shall receive the Mayor's salary for the time of his absence or disability, and in case of death, resignation, removal, failure to qualify, non-residence or physical disability, or in case of failure to elect a Mayor, the President of the City Council shall discharge the duties of the office of Mayor until a successor for the unexpired term shall be elected by the City Council, which election shall be held within thirty days after the happening of a vacancy.

In case of death, absence, etc., of Mayor.

Sec. 25. That the City Council shall have the power to make, establish and ordain for the government of said city and the officers of said city, such ordinances in writing and such by-laws not inconsistent with this charter, the Constitution and laws of the United States and the State of Florida, as they may deem necessary; Provided, a majority of the City Council shall assent thereto. They shall have power to pass all such ordinances as may be necessary to define, prevent or abate nuisances, to regulate the sale of intoxicating liquors and prevent the sale in certain localities, to restrain and punish gambling, or other disorderly conduct; to prevent the running at large of cattle, horses, hogs, sheep and goats, in the streets of the city or within the city limits; to provide for the establishment of waterworks, electric or other lighting plants and all other plants necessary for the city; and whenever the same are so established, may provide for the operation and maintenance of the same; to regulate the speed at which horses and vehicles may be ridden or driven through the streets; to regulate the speed at which automobiles or motor bicycles may be operated through the streets; to regulate the speed at which street cars and railway trains shall run within the city limits; to license privileges,

Powers of Council.

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Powers of
Council.

businesses, occupations and professions, carried on or engaged in within the city limits; and the amount of such license taxes shall be fixed by city ordinances, which amounts of such taxes shall not be dependent upon the general State revenue law; Provided, however, That the privileges or occupational tax which shall be assessed against street railway companies shall not be over one hundred and fifty dollars per annum; against electric light companies, one hundred and fifty dollars per annum; against gas companies, one hundred dollars per annum; against telephone companies, two hundred and fifty dollars per annum; against express companies, two hundred dollars per annum; against telegraph companies, one hundred dollars per annum; and against commercial railroads, two hundred dollars per annum; Provided, That all corporations which are now or may hereafter by the terms of its franchises pay to the city any proportion of its earnings as a franchise or license tax shall have such amount deducted from the license tax provided for in this section; Provided, however, That the city shall, in the future, be prohibited assessing, levying, collecting or imposing upon any of said named companies or corporations, or their property, any future or other tax, burden, assessment, imposition or rental of any kind or character whatsoever, except said privilege taxes and advalorem tax on real and personal property, paving, sewerage or sidewalk assessments; to establish quarantine and health regulations for the city of Key West, not inconsistent with the rules and regulations of the State Board of Health; to organize and provide a fire department, purchase fire engines, and adopt rules and regulations for the government of the same; to tax and regulate public hacks, carriages, drays and other vehicles and to fix the rate to be charged for the carriage of persons and property within the city; to provide for the inspection of gas, electric light and water meters; to pass and enforce ordinances to compel stationary steam engineers to pass an examination for licenses and to take out licenses and affixing penalties for failure to do so; to compel the inspection of steam boilers, except locomotive and marine boilers, and to compel employers to employ only licensed stationary engineers and affixing a penalty for a failure to do so, and to compel employers, their managers or servants to allow the inspection of boilers and affixing

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a penalty for a failure to do so; to establish hospitals, and in conjunction with the Board of County Commissioners, to establish rules and regulations respecting the poor, indigent, infirm and insane; to provide for the support and fix the condition upon which such persons coming into said city shall be allowed to remain; to provide for the punishment of persons who may at any time disturb the peace of the city or violate any of its ordinances; to provide for the inspection and regulate the sale of milk, meats and fish; to fix and regulate from time to time the salary of the officers and employees of the city, except as herein otherwise provided; to compel property owners or occupants to connect with the city sewers; and to do and regulate any other matter or thing that may tend to promote the peace, health, welfare, prosperity and morals of the city; and for carrying into effect the aforesaid powers.

Powers of Council.

All vacancies in the terms occurring in said Council shall be filled by the vote of the majority of the remaining members of said City Council; said City Council shall judge of the qualification, election and returns of its own members and prescribe rules for the determination of contested elections. The City Council shall have the right to impose penalties for breaches of its ordinances by fine and imprisonment in the city jail, and to enforce the same by attachment summarily against the person and property of the delinquent, if the same can be found; Provided, That the penalty enforced shall in no case exceed imprisonment for sixty days or fine of two hundred and fifty dollars; they shall have the power to remit fines and commute sentences imposed by the Police Justice; and in addition to the powers herein above enumerated, the City Council shall have all the powers and perform all the duties imposed upon them by the laws of Florida, now in force or which may be hereafter enacted, providing for the government of cities and towns not inconsistent with the provisions of this act; and the Mayor, Chief of Police, Clerk, Treasurer, Tax Assessor, Tax Collector and other officers, shall have all the powers and perform all the duties conferred and imposed upon them by general laws.

Vacancies, elections, returns, etc.

Penalties.

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Powers under the laws of Florida in force.

The said Council shall have the power to fix and establish a fire limit in said city and to prescribe rules and

Fire limit.

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regulations for and the class of buildings to be erected therein.

Repair of
buildings,
etc.

To prescribe rules and regulations for the erection and repair of buildings in said city; Provided, That the fire limit as now established in said city shall not be decreased, except by unanimous consent of all persons owning property in any block to be taken out of said fire limit.

Peace and
good order.

The City Council shall also pass such ordinances as may be necessary to protect and preserve the peace and good order upon all property owned, leased, managed or controlled by said city outside of the city limits.

Streets,
walks, etc.

Sec. 26. The City Council shall have power to regulate and provide by ordinance for the grading and constructing of sidewalks and the paving of the same, and the repair thereof, by the owner or owners of the property alongside and abutting thereon, and if the owner or owners of any lot or lots, which shall be so required by ordinance to be constructed and paved aforesaid, shall fail to comply with the provisions of such ordinance within such time as may be prescribed therein and in accordance with the plans and specifications prescribed by such ordinance, the Board of Public Works may contract for the construction, grading, paving or repairs of such sidewalks as the case may be, and the city shall pay for the same, and the owner or owners of the property abutting where said sidewalk has been constructed, graded or repaired, shall be liable for the actual cost of such construction, grading, paving or repairs as the case may be, and the same shall be a lien upon said lot or lots and said lien may be enforced in the Circuit Court of Monroe County.

Commission-
ers of Pub-
lic Works.

Sec. 27. It shall be the duty of the City Council to elect from the qualified electors of said city five persons who shall be called Commissioners of Public Works. They shall be vested with all the powers and shall perform all the duties herein provided. They shall hold office for four years.

Eligibility.

No person shall be eligible for the position of Commissioner of Public Works who is not a freeholder, with real estate assessed in his name upon the city tax assessment roll, and who shall have been such freeholder for at least two years before his election and who shall have paid to

the city all taxes assessed against him up to the date of his election.

And said Commissioner of Public Works shall, before he assumes the duties of said office subscribe and file with the City Clerk an oath that he is a freeholder and has had real estate assessed to him in his name on the tax rolls for at last two years previous to his election. Each member of said board shall enter into a bond in the sum of five thousand dollars with at least two good and sufficient bondsmen to be approved by the City Council, which sureties shall justify to the amount for which each shall be bound, such bond to be conditional for the faithful performance of their duties.

Commissioner shall subscribe to oath and give bond.

Said board shall receive all money raised by taxation or otherwise, for internal or municipal improvements; to have exclusive power and control over the construction, repairing, grading and improving all streets, alleys, avenues and lanes, public wharfs, market houses, spaces, bridges, sewers, drainages, ditches, culverts, canals, water courses, dock lines and the establishing of such dock lines, sidewalks, curbing, public buildings, and to fix and establish the grades of all streets, avenues, alleys and thoroughfares. Said board shall have exclusive power, supervision and control over the construction and repairing of all public buildings and all public improvements of the city; Provided, The City Council shall have the right to name and designate all streets, alleys and avenues to be paved and shall direct by resolution or ordinance, the Board of Public Works to pave the same and prescribe the order in which the work shall be done and material which shall be used.

Supervision, powers, etc., of Commissioners of Public Works.

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Sec. 27. That all moneys assessed and collected for internal improvements by the City Council, or arising from the sale of bonds or otherwise for said public or municipal improvements, shall be placed to the credit of said board, in the hands of the Treasurer of said city, who shall give a good and sufficient bond with approved securities, or in some approved surety company, in a sufficient amount to at all times protect said funds, said fund to be paid out by said Treasurer on the order of said Board of Commissioners, copies of bills of expenditures being filed with the Auditor and the warrants to be countersigned by the

Disposition of moneys collected for internal improvement.

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City Auditor, and the money so placed to the credit of said board shall not be used for any purpose other than that for which they were appropriated.

Duties of
Commission-
ers of Pub-
lic Works.

Sec. 28. The Board of Public Works shall organize by electing their own president, and shall be empowered to appoint their own clerk, and may employ a civil engineer, street commissioner, and such other employees, officials and assistants, as may be found necessary to carry into effect the provisions of this act, and shall fix their compensation. A majority of the board shall be authorized to transact business; they shall provide the time of their meetings, shall make rules for their own government and adopt their own seal. All their contracts shall be made in the name of the city, shall be signed by the president of the board and attested by their clerk. No contract shall be made by the board with any member thereof, and no member shall be interested directly or indirectly in any contract in any way or share in the profits, and any improvements which shall involve the expenditure of more than three hundred dollars shall only be let or made after advertisement thereof, and shall be let to the lowest bidder therefor, upon such terms and secured by such bond as the board may require.

No compen-
sation al-
lowed.

The members of said board shall not be entitled to any compensation whatever for their services.

Duty of
Commission-
ers regard-
ing bonus.

Sec. 29. It shall be the duty of the Board of Public Works to take charge of and sell all bonds that may be issued by the city of Key West for the purpose of public improvements, and after such sale to turn over the proceeds to the City Treasurer. They shall receive all money appropriated to pay interest on the bonds or create a sinking fund for the payment of bonds issued for public improvements and shall have full authority and power to invest said sinking fund either in bonds of the city, United States Government, State or County Bonds.

Board of
Public
Works to
estimate
amount nec-
essary.

Sec. 30. The Board of Public Works shall, on or before the 12th day of June in each year, prepare and submit to the City Council an itemized statement or estimate of the amount necessary and advisable, in their opinion, to spend in the execution of the duties entrusted to them, for the ensuing year, giving in detail the plans of construction and repairs and estimates of expenditures, etc., proposed

by them with the estimated cost of each improvement, specifying the character of the improvement, and the amount required for the streets, sewers, public buildings, waterworks, lighting plant, etc. All payments of money expended by the Board of Public Works from the levy for such improvements shall be made upon warrants drawn and regularly countersigned, the same as other payments from the treasury, and all vouchers therefor shall remain on file in the Auditor's office. And shall at the first meeting of the City Council in January of each year, or as soon thereafter as practicable, report to the City Council in writing, a full and detailed statement of the transactions of said board, showing among other things, the amounts of money received by or placed to the credit of said board, and the sources from which the same was received, as well as the expenditures of said board and the purposes for which said expenditures were made. The said Board of Public Works shall keep a complete record of their proceedings.

Sec. 31. It shall be the duty of the City Council in ^{Tax levy.} their annual levy of taxes to make such levy as the budget made by the Board of Public Works for said years shown shall be necessary, to be not less than three mills upon the assessed valuation of each year, for expenditure under the direction of the Board of Public Works, and the amounts so levied shall be collected and carried to the credit of the Board of Public Works, and it shall not be diverted from said board or be used by the Mayor and City Council for any other purpose, but the same shall remain as a separate fund in the hands of the Treasurer.

Sec. 32. It shall be the duty of the Board of Public Works to see that the streets and sidewalks are kept free ^{Streets, sidewalks, street car tracks.} from obstructions and that the same be kept in good condition. They shall require all street car companies operating in said city to keep the space between their tracks and for eighteen inches on each side thereof, paved with such materials as they may direct, and shall require said tracks to be so kept that they shall not be above the level of the streets.

If any street car company operating in said city, after ^{Failure of street car company to comply.} having been ordered by the said board, shall fail to comply with the requirements of this section within such time

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as may be designated by the said board, the Board of Public Works shall contract for the paving of the space between the tracks and for eighteen inches on each side thereof, and shall pay for the same when such work is completed. The city shall have a lien upon the property of said street car company which may be enforced in any court of competent jurisdiction in this State, in the manner and form prescribed for enforcing liens for street paving against abutting owners of real estate.

Meat market. Sec. 33. The City Council shall have power to establish market houses or places, and require each and every person who may have for sale any fresh meats or fresh fish, to bring the same into said markets, so established, and offer the same for sale only in such markets; to make such police and sanitary regulations in regard to such markets and the sale of fresh meats and fresh fish therein as they may deem reasonable and just; **Provido.** That after any fresh meat has been brought to the city market and duly inspected, that persons desiring to sell the same at any points in the city outside of said market, shall be permitted to do so upon payment to the city of the same fees, costs and charges which they would have to pay if said fresh meats were sold in said market, and subject to the same police supervision and regulation.

Dogs. The City Council shall provide for licensing the keeping of dogs, and for the destruction of dogs, the owners or keepers of which have failed to comply with the regulations prescribed by said ordinances in respect thereto, and said City Council may by ordinance provide a penalty for all persons violating ordinances on this subject.

Salaries of officers. Sec. 34. The City Council shall by ordinance prescribe the salary or compensation of all the elective and appointive officers of said city except as hereinbefore provided, but in no case shall the said salary or compensation to any officer or appointee exceed the sum of one thousand five hundred dollars. No ordinance changing a salary shall affect the salary of any officer then holding office.

Convictions, fines, penalties. Sec. 35. Every person convicted of any offense against the city laws, shall forthwith pay all fines imposed against him in United States currency; in default he or they shall be committed to the city prison for the term prescribed in the judgment of the court, and while thus committed

shall be required to work for the city at such labor as his or her strength and health will permit.

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Sec. 36. No officer or employee of said city shall retain any fees or costs for any service he may perform, nor shall he receive any compensation other than the salary fixed by ordinance except as hereinafter prescribed, and all fines shall be a part of the revenue of the city, and shall be paid into the City Treasury by the officer receiving same.

No officer shall retain any fees or costs.

Sec. 37. The City Council shall have power to order the construction of sewers on all streets and the grading and paving all streets in the city of Key West, and shall, by ordinance, designate all streets and avenues which are to be paved and those which are to be sewerred.

Paving streets, sewers, etc.

Whenever any street, park, alley or other highway shall have been heretofore or may hereafter be paved, graded, curbed, laid out, opened, repaired or otherwise improved by the city of Key West, except sidewalks, including works and improvements now in process of construction, or whenever such street, park, alley or other highway shall have been or may hereafter be ordered paved, graded, laid out, opened, repaired or otherwise improved, except sidewalks, or whenever any drain or sewer shall have been heretofore or may hereafter be constructed or repaired in the city of Key West, the City Council shall, as soon as the cost of such improvement shall have been certified to them by the Board of Public Works, as hereinafter provided, assess against the abutting property one-half of the cost of such improvements in proportion to the frontage of such abutting property on such street, alley, park or highway so improved; Provided, That when a sewer is laid no greater amount of the cost therefor shall be assessed against the abutting property than one-half of the cost of laying an eight-inch sewer; Provided, further, The entire cost of improvements at the intersection of streets shall be paid by the city, except as hereinbefore specified.

One-half of cost of improvements to be assessed against abutting property.

Provido.

Sec. 38. All such assessments for such improvements heretofore made, or which may hereafter be made, shall constitute a prior lien to all other liens, except taxes and those for construction or repair of sidewalks, with which liens they shall have equal dignity, upon the real estate assessed. The amount of said assessments shall bear interest at the

Liens.

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Assessment
shall bear
interest.

rate of eight per cent per annum, and shall be payable in three equal installments, in one, two and three years. But the owner of the real estate so assessed shall have the right to pay said assessment with the matured interest at any time before suit.

Shall advertise for bids for making improvements.

Sec. 39. When at any time the City Council of the said city shall decide to pave, grade, curb, lay out, open, repair or otherwise improve any street, alley or other public highway, or any part thereof, or to construct or repair any sewer, the said City Council shall pass an ordinance ordering the same done, and thereupon the Board of Public Works shall advertise for bids for making said improvements; said advertisement shall contain among other things, a description of the material to be used, width of paving, if the street is to be paved, and shall designate with reasonable certainty the limits within which said work is to be done and the nature thereof, in which advertisement the right to reject any and all bids must be reserved to the city.

Separate
bids.

In advertising the street paving, the Board of Public Works may advertise for separate bids on grading, curbing and paving and enter into separate contracts therefor.

Assessment
against
abutting
property.

Whenever the said board has accepted any bid or bids for any of said above mentioned improvements, as soon as the said improvements have been completed under the terms of said contract and the same have been accepted by the Board of Public Works, the entire cost of said improvements shall be certified to the City Council, whereupon the said City Council at any regular or special meeting called for that purpose, shall assess against the property abutting on each side of said street, alley or other public highway in proportion to the frontage on said street, alley or highway, the amount hereinbefore specified; Provided, That in any street where there may be a street or other railroad track or tracks the amount of value of the grading or paving which is herein provided for the said railway company to construct shall be deducted from the total amount or cost of the paving before the assessment shall be made against the said abutting owners.

Proviso.

"Street
Improvement
Lien Book."

Sec. 40. As soon as practicable after the assessment against any abutting land owners on account of any paving, grading or repairing of any street or public high-

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way, or the laying of any sewer, the City Council shall cause to be entered in a book kept for that purpose, to be known as the "Street Improvement Lien Book," a short description of the lot upon which the lien is claimed, the amount or amounts due according to the said assessments, and when due, and such other information as the board shall deem advisable.

Upon the payment of any assessment against any of said lots so entered in said "Street Improvement Lien Book," it shall be the duty of the City Clerk to issue a receipt for the same and cancel in red ink across the face of the said entry in said book, the date of payment and the amount so paid, at the same time sign his name to said cancellation. Partial payments shall be entered in like manner.

Receipts and cancellations upon payment of assessments..

Sec. 41. Upon any suit brought to enforce such lien or collection of the amount due upon any such assessment, a copy of the entry of such lien in the Street Improvement Lien Book duly certified by the City Clerk, under the corporate seal of the city, shall be and constitute prima facie evidence of the amount and existence of the lien upon the property described; and in all cases mentioned in this act where the city of Key West has acquired or may hereafter acquire liens for improvements, such liens, or any of them, may be enforced in the following manner by said city:

Prima facie evidence of lien.

Enforcement of liens.

First, By a bill in equity; Second, By a suit at law.

The bill in equity or the declaration at law shall set forth briefly and succinctly the assessment made and entered aforesaid on account of said improvements; the amount thereof and the description of the property upon which such lien has been acquired and shall contain a prayer that the owner be compelled to pay the amount of said lien, or in default thereof, that the said property shall be sold to satisfy the same; but the judgment or decree obtained in said suit shall not be enforced against or be a lien upon any other property than that against which the assessment was made, and in the decree or judgment as the case may be, for the enforcement and collection of the amount for which said lien is given, decree or judgment shall also be rendered for a reasonable attor-

Bill in equity or declaration at law.

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ney's fee, not to exceed five dollars, for the institution of the suit and the sum of ten per cent on the amount of the recovery, together with the costs of the proceeding, which attorney's fee and costs shall also become a lien upon the said land and shall be collected at the time and in the manner provided for the collection of the amount for which the lien was originally given, but in no event shall the city be liable for the payment of the attorney's fee herein provided for.

Parties to the suit in the enforcement of liens, etc.

Sec. 42. In the proceedings provided for in the preceding section, the owner or owners of the land, if they can be ascertained, shall be parties defendant. If the owner or owners cannot be ascertained after diligent inquiry, the proceedings shall be against the property on which the lien is claimed without mentioning any party as defendant. In such case, services shall be had by a notice of the institution of said suit for the enforcement of such lien by an advertisement in a newspaper published in the city of Key West once a week for four consecutive weeks. In all proceedings to enforce said liens or any of them, save in cases where the owner or owners cannot be ascertained, service shall be made in the same manner as is provided by law for service in other cases.

Appeals and writs of error.

In such proceedings, appeals and writs of error may be taken to the proper Appellate Courts, as in other cases. The proper Appellate Court shall, on the motion of either party, advance such cause out of their regular order and try and determine the same as early as possible.

No warrant shall be drawn unless money is on deposit.

Sec. 43. No officer of the city of Key West shall draw a warrant on the Treasurer of said city unless the money to meet said warrant is actually in the hands of the Treasurer at the time it is drawn. And all warrants so drawn in violation of this section shall be null and void.

Power of Council to borrow money.

Sec. 44. The City Council, by and with the consent of the Mayor, shall have power to borrow money to the extent of three-fourths of the amount of taxes in any one year and to issue as evidence of indebtedness for the money borrowed revenue bonds, which bonds shall be signed by the Mayor of the city, President of the City Council and the Auditor of the city and attested by the City Clerk under the seal of the city.

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Said bonds shall be issued separately against any or all the funds for which taxes are assessed, and when issued against any fund, the amount realized from the loan on said bonds shall be carried and credited to the fund against which said bond was issued; that said bonds shall be issued in serial numbers beginning with the number one, as against such separate fund, and the holder of said bonds shall have a first lien upon the uncollected taxes to the extent of the amount borrowed, and as against each fund for which said bonds were issued; and as the taxes are collected, the bonds shall be paid in the order in which they were issued, out of the fund against which said bonds were negotiated. No revenue bond shall be issued for a longer time than one year and shall bear such interest as the City Council may fix.

Sec. 45. It shall be unlawful for the city of Key West, ^{Indebted-} in any one year, to incur any indebtedness in excess of the appropriation for said year except as provided in this charter.

Sec. 46. The city of Key West shall have the right to ^{Bonds.} issue and sell bonds for municipal improvements; Provided, Such issue and sale of bonds shall be ratified by a majority of the qualified electors of said city at an election to be held for that purpose, not to exceed in amount fifteen per cent of the assessed value of all taxable property in said city.

And whenever, for the purpose of extending the time of the payment of the now existing indebtedness, which ^{Authority to refund} from its limits of taxation the said city may be unable to pay at maturity, or whenever it appears to the said City Council to be for the best interest of said city to refund ^{indebted-} any such indebtedness now existing, the City Council, by a resolution introduced and passed at any regular meeting, is hereby authorized and empowered to compromise, compound, refund, settle with and to fund any now existing indebtedness lawfully made and undertaken by the said city under authority of law; and for this purpose, and without submitting the same for ratification to the qualified electors of said city at an election as hereinbefore provided, the said City Council shall have power to issue negotiable coupon bonds of the city of Key West of such ^{Negotiable} denomination as they may see fit, bearing interest at a ^{coupon} bonds.

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rate not to exceed five per cent per annum, and said bonds shall not be sold for less than par; Provided, however, That no indebtedness of said city of Key West shall be so compromised, refunded or extended unless such indebtedness shall first be determined to be an existing, valid and binding obligation of said city; and the resolution of the City Council authorizing the issue of said negotiable coupon bonds shall state the amount of existing indebtedness to be compromised, refunded or extended, the aggregate amount of bonds to be issued therefor, their numbers and denominations, the date of maturity, the rate of interest they shall bear and the place or places of payment of principal and interest; Provided, further, That if the said City Council shall at any time, under and by virtue of the powers hereinbefore granted, issue any bonds predicated upon unpaid city warrants now in circulation, such bonds may bear a rate of interest not to exceed eight per cent per annum; in which case such bonds shall be made redeemable at any time, at the option of said city.

Proviso.**Tax levy.**

The City Council is further authorized and empowered to levy a sufficient tax upon all real and personal property situated within the corporate limits of said city, each year to pay the annual interest and to pay not less than two per cent annually of the principal of said bonds, besides all expenses of assessing and collecting the same, which said two per centum of the principal so raised by taxation and the interest accruing thereon, when collected, shall be and remain a sinking fund to pay said bonds, and the same may be invested by the City Council in United States, State or County bonds or in the bonds of the city of Key West, including revenue bonds; and no bonds shall be issued under this provision until a levy as hereinbefore provided, shall have been made, and when such levy shall have been made the same shall continue in force until the whole amount of the principal and interest shall have been fully paid; Provided, That nothing herein shall be construed to authorize the City Council to levy any tax in excess of that authorized by this act.

Proviso.**Eligibility of Councilmen.**

Sec. 47. No person shall be eligible to the position of City Councilman except qualified electors of the city of Key West, who shall have been freeholders for at least two years previous to their election, and shall own real

estate in their own name and shall have paid to the city all taxes payable up to the date of their election.

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And it shall be the duty of the Board of Election Commissioners hereinafter provided for, to carefully examine the qualifications of each candidate for any elective office and if it be found that he is not qualified hereunder, his name shall not be placed upon the official ballot herein provided for, and he shall, under no conditions, be given a certificate of election.

Duty of Election Commissioners regarding qualifications.

Sec. 48. All property which is subject to State taxes shall be assessed and listed alphabetically or otherwise for the entire city, in the name of the owner, whenever the name of such owner is known to the assessing officer, or when the property has been returned as herein provided; Provided, The owners of which are unknown and have failed to return, as herein provided, shall be listed and assessed according to lots and blocks of the several tracts or plats of land within the city. All property shall be assessed as of the first day of January of the year for which such assessment is made.

Assessing and listing of property.

Sec. 49. All persons, corporations or firms owning property, whether real or personal, subject to taxation by the city of Key West, are hereby required to make returns of the same before the first day of August, 1907, and before the first day of March in every year thereafter, to the Tax Assessor of said city.

Returns required of property owners.

Sec. 50. Such return shall be made upon and in compliance with blanks prepared therefor and furnished by the city of Key West, and shall contain a complete list of all property taxable by the city belonging to such person, corporation or firm, on the first day of January in the year for which such return is made, together with the full cash value thereof, giving separately an intelligible description and full cash value of each separate lot or parcel of real estate.

Returns.

The description and valuation thus returned, may be considered by the Assessor in making assessments, but he shall not be bound thereby. Should any person, corporation or firm omit to make return as above required, the Assessor shall assess property not thus returned in the name of the owner, if the name of such owner shall

Duty of Assessor where returns are not made.

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be known to him, and where the name of the owner is not known to him, he may assess it in the name of the supposed or reputed owner or occupant, or as belonging to unknown owner, and in no case where the real owner has failed to make return of his property as herein required, shall the assessments thereof be declared invalid or not lawfully made, or the enforced payment of taxes thereon be resisted by reason of such property being assessed otherwise than in the name of the real owner.

Railroad companies.

Sec. 51. Railway and railroad companies shall be subject to taxation on real estate and personal property owned by them within the limits of the corporation, except such realty as may be included in right of way, in the same manner and at the same rate of valuation as other property.

Street railway companies.

The property of street railway companies whose lines or tracks lie within the corporate limits of said city shall be assessed in like manner as other property is assessed and at the full cash value of the entire property, franchise and privileges owned by such company within said city.

Assessing property.

Sec. 52. The City Council may, by ordinance, provide for and elect competent assistants to assist the City Tax Assessor in making assessments. All property shall be assessed at its full cash value. Each lot and separate tract of land shall be assessed separately, except that at the written request of the owner of lots or tracts of land adjoining each other or when such owner makes return thereof in such manner, such adjoining lots or tracts may be assessed together.

Personal property.

The designation personal property shall be a sufficient description of all personal property for the purposes of city taxation, and personal property assessed need not be otherwise specified or described on the tax assessment roll.

Assessment roll.

Sec. 53. Upon his preliminary assessment roll, the Assessor may indicate in some convenient manner, the property subject to taxation for each of the purposes for which taxation is authorized. Said assessment roll shall be completed and submitted to the City Council at their first regular meeting in June of each year, or as soon thereafter as practicable; Provided, That said assessment roll

Proviso.

for the year of 1907 shall be submitted to the City Council at their first meeting in October of that year or as soon thereafter as practicable.

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Sec. 54. As soon as practicable after the submission of said assessment roll to them, the City Council shall cause to be published a notice that said assessment roll has been submitted to them for approval, and requiring all persons desiring to have corrections thereof made, whether in the listing, valuation of the property or otherwise, to file with the City Clerk on or before a date to be named in said notice, which day shall not be less than ten days after the first publication of said notice, their petition to the City Council setting forth their objections to said assessment and the correction which they desire made. Said notice shall name the time and the place where the City Council will meet for the purpose of equalizing the assessments and making proper corrections. From the date of publication of the notice provided for herein, to and including the day named therein as the last day for filing said petitions, the public shall have access to said assessment roll at the office of the City Clerk each day, Sundays excepted, from 9 o'clock a. m. till 5 p. m., excepting between the hours of 1 p. m. and 2 p. m., for the purpose of examining the same and preparing petitions for the correction thereof.

Complaints,
equalization
of assess-
ments, etc.

Sec. 55. All petitions for correction of assessments so filed within the time prescribed, with the City Clerk, shall be by the City Clerk, delivered to the City Council, and the said Council by committees or otherwise shall investigate concerning the same and upon the day named therefor in said notice shall meet and sit as a tax equalizing board for the purpose of equalizing said assessments and correcting the same, and shall consider and act upon said petitions and the reports of its said committees, and shall make such changes in the valuation or listing of said property or otherwise as may be necessary to the proper, just and legal equalizing of said assessments.

Equalization
of assess-
ments.

The City Council shall give opportunity to such petitioners as may have filed their petition and objections to said assessment roll as hereinbefore provided, to be heard in person or by attorney in open session, by written or oral argument, and on such evidence as may be presented

Hearing of
complaints.

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to sustain such petition, but the Council may, by resolution, regulate the order of hearing and limit the time to be given to each petitioner, and shall sit from day to day until said petition and objections and reports have all been passed upon, and the correction of said assessment roll shall have been completed.

Notice in
writing, etc.

Sec. 56. If the City Council shall increase the valuation of any property on the assessment roll, or make any other changes in such assessment roll, except by a reduction of the valuation or in accordance with complaint or petitions submitted to the City Council, all persons directly affected by such change shall have notice in writing and opportunity to be heard as provided in the two preceding sections. Such notice shall be given by the City Clerk and contain the name of the owner or person in whose name the property is assessed with a brief description of the property.

Changes
on roll.

Sec. 57. All changes made by the City Council shall be noted in his preliminary assessment roll by the Assessor, and said assessment roll, so corrected, shall be copied as corrected, and such copy, after being approved and adopted by the City Council, shall stand as the assessment of the taxable property within the city.

Tax levy.

Sec. 58. As soon as practicable, after such approval and adoption of the assessment roll, the City Council shall determine the amount and fix the rate of taxation and make the annual tax levies of the current year. Such levy shall not exceed, in any year, for ordinary municipal purposes, a higher rate of tax than one per cent of the assessed value of the taxable property within the corporate limits of said city. The word ordinary is to embrace all expenses for police, gas, electric light or other illuminating material, and all other purposes strictly municipal; but special levies may be made for payment of interest on debt, for sinking fund and also for a special tax not exceeding one-half of one per cent on the city valuation for waterworks and fire protection.

Levies.

Sec. 59. The Assessor shall note the said several levies on the assessment roll, and shall reject in said calculations the fraction of a cent when less than half and count as one cent any fraction of one-half or over. He shall

also make in his assessment roll such recapitulation as may be necessary to show clearly and concisely the totals of the various tax levies made. 1907.

If the owner of any property shall fail to petition the City Council for the correction of any assessment in the manner above provided then he shall not hereafter be heard as of right to question the validity of such assessment. Failure of owner to petition.

Sec. 60. The Assessor shall make a copy of said assessment roll, with the levies extended thereon, and shall deliver the same to the Collector of Taxes, but the original he shall deposit in the office of the City Clerk. To such assessment roll and said copy thereof, he shall attach his certificate, substantially in the following form: Assessor shall copy roll.

I,, Assessor of Taxes of the city of Key West, do hereby certify that the foregoing is the assessment roll of the taxable property in the city of Key West, valued at its full cash value, and that it contains a true statement and description of all persons and property in the city of Key West subject to taxation by said city, or liable to be assessed therein; that the listing and valuation in said roll shows correctly and accurately the listing and valuation as corrected, accepted, approved and adopted by the City Council and that all the requirements of the laws and ordinances regulating the making of the assessment roll for the city of Key West have been complied with. Certificate of Assessor.

Dated

.....
Assessor of Taxes of the City of Key West.

Sec. 61. To the assessment roll delivered to the Collector of Taxes the Assessor shall attach a warrant under his hand, substantially in the following form, to-wit:

State of Florida,
City of Key West.

To, Collector of Taxes of the city of Key West:

You are hereby commanded to collect out of the property and from each of the persons, corporations and firms named in the annexed roll, the taxes set down in such roll Assessor's warrant.

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opposite each name, corporation or firm, or parcel of land therein described; and in case the taxes so imposed are not paid at the time prescribed by law, you are to collect the same in such manner as is provided by law; and all sums collected you are to pay into the treasury of the city of Key West; and you are further required to make all collections and reports and a final report to and settlement with the Treasurer and City Council as required by law and ordinances.

Given under my hand this day of,
A. D. 190..

.....
Assessor of Taxes of the City of Key West.

When taxes
due.

Tax re-
maining due.

Interest.

Sec. 62. All taxes shall be due and payable only in United States currency, on the first day of January of each year or as soon thereafter as the assessment roll may come into the hands of the Collector of Taxes, of which he shall give notice by publication, and the collection of taxes remaining due and unpaid on the first day of June thereafter shall be enforced in the manner prescribed by law; and interest at the rate of twelve per cent per annum from the date of said publication and notice by the Collector, shall be added thereto and collected.

Estimation
of taxes.

Sec. 63. The Assessor, in estimating and carrying out the taxes assessed upon the assessment roll, shall comply with the terms of the city ordinance on that subject, not inconsistent with this act.

Distress
warrants.

Sec. 64. The Collector of Taxes shall have power, and it is hereby made his duty, to issue distress warrants in the name of the State and city to enforce the collection of taxes on personal property and privileges. Such warrant shall be executed by the Chief of Police or by any Constable or Sheriff. Taxes and assessments on realty shall be and remain a lien on the property assessed superior to all other liens or claims. Such liens may be enforced as hereinafter provided.

All unpaid taxes and assessments may be collected by suits in court at law or in equity.

Sec. 65. If the taxes on any real estate shall not be

paid before the first day of June next after the tax roll shall have come into the hands of the Tax Collector, the City Attorney or Solicitor shall search or cause to be searched the public records of Monroe County to ascertain the names of all persons owning, having interest in, or lien upon said lands, and in the suits brought for the enforcement of said liens for taxes, he shall make all persons appearing upon said record to be owners of, or interested in, said real estate or lien thereon, parties defendant; whenever service is sought to be had in such suits upon any defendant by publication, the notice shall contain a short description of the land upon which the tax is claimed. The names of any person other than the owners of said real estate may, at the discretion of the City Attorney or Solicitor, be omitted from the list of defendants, but no person having an interest in said property or a lien thereon, apparent upon said records and not brought into court as defendant, shall be until so brought into court, deprived of his interest therein. The interests of all persons not apparent upon said public records shall be foreclosed by such suits without their being named or served as defendants.

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Duty of
Solicitor
when taxes
have not
been paid,
etc.

The assessment of any lot, parcel or tract of land as the same appears upon the city tax assessment rolls shall be prima facie evidence that the assessments, levies, description and validity of the same and the burden of proof shall be upon the defendant in case the legality of any assessment, levy or description is contested.

Prima facie
evidence.

The court before whom any suit is brought for the enforcement of any lien for unpaid taxes shall pronounce for the taxes due, together with interest due on same, and all costs, charges and expenses, including a reasonable solicitor's fee for the solicitor of the complainant, for his services in connection with the enforcement of said lien for unpaid taxes.

Pronounce-
ment of the
court.

Sec. 66. A general election for the election of all officers provided to be elected by the electors of said city, shall be held therein on the second Tuesday after the first Monday in November, A. D. 1907, and every two years thereafter on the corresponding date. Each ward shall constitute an election district.

Election.

Election
district.

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Eligibility of
elector.

Sec. 67. Every male person of the age of twenty-one years, residing in said city at the time of the holding of said city election, and who shall have resided and had his habitation, domicile, home, and permanent place of abode therein for six months and possesses all the qualifications of an elector prescribed by the constitution and laws of Florida, and who shall have paid his poll tax for the year in which any city election is held at least twenty days previous to said election, and who has been duly registered by the City Registration Officer, shall be deemed a qualified elector, authorized to vote at said city election; Provided, That those male persons who by reason of infancy were not properly subject to an assessment of a poll tax and are twenty-one years of age and possess the other qualifications shall also be qualified electors at such city election; Provided, further, That the payment of a State poll tax shall be a prerequisite for voting at a city election as long as it is a prerequisite for voting at a State election.

Proviso.

Proviso.

Supervisor of
Registration.

Sec. 68. The Supervisor of Registration shall be some other person than the Supervisor of Registration of Monroe County. He shall register all persons applying to him for that purpose who are qualified as electors under the provisions of this act. Such registration officer shall open his office in the city hall in said city at least sixty days before such city election and shall keep said office open every day, Sundays excepted, from 9 o'clock a. m. to 1 p. m., and from 2 p. m. to 5 p. m., for the purpose of registration. Each person applying to register shall take the following oath, to be administered by the Registration Officer:

Oath to be
administered
by Registration
officer.

"I do solemnly swear that I am a bona fide resident of the city of Key West; that I have resided in the city of Key West for six months last past, and in the State of Florida for one year last past; that I am over the age of twenty-one years; that I am a citizen of the United States, and that I am qualified to vote under the Constitution and laws of the State of Florida."

Oath, etc.

The Registration Officer provided for, is hereby authorized and required to administer this oath, and the elector shall also be required, under oath to be administered by the Registration Officer, to give such description

of himself as will be sufficient to clearly identify his person with the act of registration.

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The name of each person so registered shall be entered in a book prepared for that purpose, giving also under proper headings his age, color, occupation, and the location of his residence. The list for each election district shall be kept separate. Registration.

Immediately upon closing the registration, such books shall be turned over to the Election Commissioners. Said Election Commissioners and the Registration Officer shall have free access to the registration lists of the County of Monroe, with authority to make, or to have made, copies of the same so far as they include the registration of electors residing in the city of Key West, and from the same, together with the registration of the city registration office, shall prepare a list in alphabetical order by election wards, of the qualified electors authorized to vote at the first city election hereunder. The Election Commissioners shall publish the list of qualified electors at least one day in a newspaper published in said city, at least nine days before the day of each city election, and with said publication, give notice of a certain place within said city six days before such election, where they will meet to restore any name or names to such registration lists which may have been improperly stricken therefrom; and at such time and place shall meet for that purpose and shall restore to such list any name or names shown to have been improperly stricken or omitted from such registration list. Duty of commissioners regarding registration lists, etc.

In case the name of any elector appears in an election district in which he does not reside, the said Election Commissioners shall, upon application, transfer the same to the proper election district. The registration so revised and completed shall constitute the list of registered voters entitled to vote at such city election.

It shall be the duty of the collector of revenue for the County of Monroe to furnish to the said Election Commissioners, upon application, a list of all those persons who have paid their poll tax for the year in which any city election may be held, at least fifteen days previous to the day of holding any city election.

Sec. 69. For the purpose of carrying on and conducting each city election, it shall be the duty of the Election Duties Election Commissioners.

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Duties of
Election
Commis-
sioners, etc.

Commissioners at least six days prior to the holding of any city election, to appoint three intelligent, discreet and fair-minded persons to be the inspectors of election and a clerk of election for each election district of said city, all of whom shall be qualified electors of the election district for which they are appointed. In making such appointments representation shall be given to the supporters of each full and bona fide ticket in nomination, so far as the same may be done within the limits of the number of said inspectors and clerk, and if the chairman of the committee representing any ticket so put in nomination by any political organization shall, more than six days before such election, nominate in writing to the Commissioners for inspectors an elector of each ward, supporters of the ticket he represents, the Commissioners shall appoint such electors as inspectors, and any political organization as aforesaid shall be entitled to have one watcher within the polling place to observe the election, including the counting of the votes, but they shall not interfere with the voters or inspectors, excepting in the counting of ballots, they may have the privilege of inspecting the same after it has been read by the inspector. In the absence or refusal to act of any of the inspectors or clerks of election, the inspector or inspectors present at the polling place, at the time appointed for opening the polls, shall choose, from the qualified electors present, such a number as together with the inspector or inspectors present is necessary to constitute a board of three inspectors and a clerk. Said inspectors and clerk shall take and subscribe an oath or affirmation, which shall be written or printed, that they will well and truly perform the duties of inspector (or clerk as the case may be) of election, and will endeavor to prevent all fraud, deceit or abuse in conducting said election. Such oath may be taken before any officer authorized to administer an oath or before any one of the inspectors, and the same shall be returned with the poll list and the returns to the Election Commissioners. Said board of inspectors shall choose a chairman and all questions shall be decided by a majority.

Polling
places, etc.

Sec. 70. There shall be in each and every ward a polling place presided over and managed by the board of inspectors and clerk of election of said ward, which shall be the polling place for the election of the elective officers of

said city and for said ward; at each of such polling places a space or inclosure, such as the Board of Election Commissioners shall deem fit and sufficient, shall be railed off, boarded up, or otherwise constructed, with an opening at one end or side for the entrance of the voter and an opening at the other for his exit, as a polling place in which to hold the election. But one voter shall be allowed to enter any polling place at a time, for each election booth, and no one except the inspectors of election shall be allowed to speak to the voter while in the polling place casting his vote, and no inspector shall speak to or interfere with any voter concerning the manner of his voting or any ballot he may vote, otherwise than to perform his duties as such inspector herein specified; Provided, That the ballot box shall at all times be kept in full view of the public during the election and until the ballots have been canvassed.

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Polling places, etc.

Manner of voting.

Sec. 71. The polls shall be opened at such voting places at 8 o'clock on the day of election, and shall be kept open until sundown of the same day, the time to be observed for such opening and closing of the polls to be regulated by the customary time in use in said city. The inspectors may, however, adjourn between the hours of 12 and 1 o'clock for half an hour. The inspectors shall make public proclamation of the opening and closing of the polls, and the midday adjournment. During the adjournment the ballot box shall be kept in the possession of the inspectors, but in full view of the persons present.

Opening and closing of the polls.

In all elections held in said city on any subject which may by law be submitted to a vote of the people, and for all or any municipal officers, the voting shall be by secret official ballots printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election to which this act applies, except it be provided as herein prescribed.

Ballots.

Sec. 72. The Board of Election Commissioners of said city shall cause to be printed on the ballot to be used at such elections the names of all candidates who have been put in nomination by any caucus, convention, mass meeting, primary election or other assembly of any political party or faction in said city and certified and filed with them not less than ten days previous to the day of election,

Preparation of ballot by Election Commissioners.

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Preparation
of ballot by
Election
Commissioners.

which certificates shall contain the name of each person nominated and the office for which he is nominated, and shall be signed by the presiding officer and secretary of such caucus, convention, mass meeting or other assembly, or by the canvassing board of such primary election, and be duly acknowledged by one or more of them before an officer authorized by law to take such acknowledgements. The Board of Election Commissioners shall also cause to be printed upon said ballots the name of any qualified elector who has been requested to be a candidate for any office by written petition signed by at least twenty-five electors qualified to vote in the election to fill said office when said petition has been filed with them not less than ten days prior to the election. And in addition to the name printed upon said ballot, and whether there be any names printed on said ballot or not, there shall be printed under each office to be voted for at the election blank lines in number equal to the number of persons who may be elected to fill that office. The name of no person shall be printed upon the ballot who shall, not less than eight days before the election, notify the Board of Election Commissioners in writing, acknowledged before an officer authorized by law to take acknowledgements, that he will not accept the nomination specified in the certificate of nomination or request of election; Provided, however, That when any person who has been regularly nominated and who shall decline to run for the office to which he has been nominated, the party by which such person was nominated shall be allowed five days after such declination by such person to run, in which to substitute another candidate; Provided, further, That such substitute shall be certified to the said Election Commissioners not less than eight days before such election.

Penalty for
fraud.

Sec. 73. Any person who shall falsely make or fraudulently destroy any certificate of nomination, or any part thereof, or file any certificate of nomination, knowing the same, or any part thereof, to be false, or suppress any nomination which has been duly filed, or any part thereof, shall be guilty of felony and on conviction thereof shall be imprisoned in the penitentiary not less than one or more than five years.

Files of
election, etc.

Sec. 74. The Board of Election Commissioners shall cause to be preserved in their office, or in some other safe

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place, all certificates and petitions of nomination filed therein under the provisions of this act for six months after the election for which such nomination was made.

The ballots printed in accordance with the provisions of this act shall contain the names of all candidates nominated as hereinbefore provided who have not declined. The names of all candidates for the same office shall be printed together irrespective of party. But the order in which the titles to the several offices to be filled shall be arranged upon the ballots shall be left to the discretion of the Election Commissioners charged with the printing of said ballots.

Sec. 75. Whenever a public measure is submitted to a vote of the people, the substance of such public measure shall be twice in the same language indicated upon the ballot, after the list of candidates, followed in one case by the word "yes" and in the other by the word "no."

Sec. 76. All ballots provided by the said Board of Election Commissioners for an election, shall be alike, printed in plain type, in straight lines upon plain white paper so thick that the printing cannot be distinguished from the back, with a slender line between each name, and extending sufficiently to the left of the names to easily permit marking before each name a cross mark (X), and in the appropriate place the words "Vote for one" (or two, or other number as the case may be), to indicate the number which may be elected to each office, and shall be substantially in the following form, except the order in which the several offices are stated, namely:

Official ballot, election A. D. 19... (year to be printed).
Election Ward No., City of Key West. (Ward number to be printed.) Make a cross mark (X) before the name of your choice.

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Vote for one:

For Mayor.

Henry Fisher.

William Jones.

John Smith.

Vote for one:

For City Clerk.

William King.

Thomas Moore.

Vote for one:

For Chief of Police.

Thomas Jones.

George Smith.

Vote for one:

For Captain of Night Police.

Lemuel Baker.

John Doe.

Vote for one:

For Treasurer.

John Doe.

William Doe.

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Vote for one:

For Tax Collector.

William Pinder.

Vote for one:

**For Councilman Ward.
(Number of ward to be printed)**

William Jones.

Joseph Anderson.

Vote for five:

For Councilman at Large.

Thomas Jefferson.

Milton Jones.

Paul Adams.

John Jones.

Frank Williams.

1907. Vote for three:

For Election Commissioners.

George Washington.

Carlos Becio.

Charlie Curry.

(Print substance of public measure).....Yes.

(Print substance of public measure)No.

**Padding of
ballots.**

Sec. 77. All ballots for use in each election ward or district shall be fastened together in convenient numbers in books or blocks, in such manner that each ballot may be detached and removed separately. Each ballot shall have attached to it a stub with perforated lines of sufficient size to enable one of the inspectors to write his or stamp his initials thereon, and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

**Number of
ballots.**

There shall be provided for each voting place at least one hundred ballots for each fifty registered electors at said polling place.

Booths.

Sec. 78. The Election Commissioners shall provide at each polling place a room or covered inclosure, and in such room or covered inclosure shall provide booths or compartments, three booths or compartments for each three hundred and fraction of a hundred electors registered for that election, and furnish each with a shelf or table for the convenience of electors preparing their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at another shelf or table in another compartment in the act of marking his ballot. Each

voting shelf or table shall be kept supplied with conveniences for marking the ballots.

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No person shall be permitted under any pretext what-
ever to come within fifteen feet of any door or window of
any polling room until the commencement of the counting
of the ballots, which shall be done in public.

No person
allowed
within 15
feet of poll-
ing place.

Sec. 79. The Board of Election Commissioners shall
cause to be printed in large type in cards, instructions for
the guidance of electors in preparing their ballots. They
shall furnish to the inspectors twelve or more if necessary,
such cards for each election district, and it shall be the
duty of the inspectors to post one of such cards in each
booth or compartment for the preparation of ballots and
not less than three prominent places elsewhere and out-
side of the polling places the day of election. Such cards
shall be printed in large clear type and shall contain
full instructions to electors as to what should be done.
First, To obtain ballots for voting; Second, To prepare
the ballot for deposit in the ballot box; Third, To obtain
a new ballot in place of one accidentally spoiled.

Card of in-
structions
for electors.

Any person who wilfully during or before an election
removes, tears down or destroys or defaces any booth or
compartment or any conveniences provided for the purpose
of enabling the elector to prepare his ballot, or any card
printed for instruction of electors, shall be guilty of a mis-
demeanor, and upon conviction thereof shall be fined in a
sum not less than ten dollars, nor more than five hundred
dollars.

Penalty for
destroying
fixtures, etc.

Sec. 80. Except as electors are admitted, one at a
time, to vote, and except one city policeman by permission
of the inspectors, and the inspectors and clerks of elec-
tion, and as many electors as there may be booths or
compartments, no person shall be permitted within fifteen
feet of the polling room during the time for voting.

Fifteen feet
limit.

When the right to vote of any person who demands to
be permitted to vote be questioned by any elector, the said
challenge shall be communicated to the inspectors before
the person is permitted to vote, by the officer or person
in attendance and in charge of the admission to the
polling place, when his right to vote must be determined
as required by law.

Challenge of
elector at
polling place.

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Shall occupy
booth not
more than
five minutes,
etc.

Sec. 81. No elector, while receiving, preparing and casting his ballot, shall occupy a booth or compartment for a longer time than five minutes. No such elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with any one, except as herein provided, while in the polling place.

After having voted or declined or failed to vote within five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance, and shall not enter the polling place again.

Entering and
marking
ballot. etc.

Sec. 82. Each elector upon entering the polling room shall be given one ballot by the inspector. Before delivering the ballot to the elector, at least one of the inspectors shall write or stamp, or shall have already stamped or written his initials or name on the stub attached to the ballot. On receiving the ballot the elector shall forthwith and without leaving the polling room, retire alone to one of the booths or compartments provided for that purpose, and there prepare his ballot by marking with pen and ink or pencil, in the appropriate margin, or place, a cross mark (X) before the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor and marking a cross mark (X) in the appropriate margin, and likewise by marking a cross mark (X) before the answer he desires in case any public measure is submitted to a vote of the people.

Assistance
in preparing
ballot.

Sec. 83. Any elector applying to vote who by reason of blindness or the loss of the use of his hand or hands, is unable to prepare his ballot, may have the assistance of the inspectors as provided in the preceding section in the preparation of his ballot, who shall retire to a booth or compartment and there prepare the elector's ballot so as to indicate the elector's choice of candidates as to each office to be filled, without suggestion or interference from the inspectors. But in all cases, any elector, before retiring to the booth, may have the clerk of election to read over to him the titles of the offices to be filled and the candidates therefor.

Disabled
elector may
choose can-
didates.

Before any elector applying for assistance in the preparation of his ballot shall be required or permitted to declare his choice of candidates, all electors, including those

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in the booths or compartments, after voting shall be required to withdraw from the voting place.

Any person making a false declaration under the provisions of this section, shall be guilty of a felony and on conviction thereof, shall be imprisoned in the penitentiary for a term not to exceed one year. Penalty for false declaration.

Any inspector who shall wilfully deceive any elector in the preparation of his ballot shall be guilty of a felony and on conviction thereof, shall be imprisoned in the penitentiary for a period not to exceed one year. Penalty for deceiving elector.

Sec. 84. Any elector who shall, by accident or mistake, spoil a ballot so that he cannot conveniently or safely vote the same, may return it to the inspectors, who shall immediately detach the stub and destroy without examination, the ballot so returned, and shall give to the elector another ballot in lieu thereof, but in no case shall an elector be furnished with more than two ballots. Spotted ballot.

In no case shall any person be permitted to carry a ballot outside the polling room. A record shall be kept by the Clerk of the Election of all ballots destroyed as herein provided for. No ballots allowed outside.

After preparing his ballot the elector shall fold the same so as to conceal the face thereof, and show the stub thereto attached, with the name or initials of the inspector and hand it to the receiving inspector, who shall detach the stub therefrom and return the ballot to the elector, who shall deposit the ballot in the ballot box in the presence of the inspectors. All stubs detached from the ballot as provided in this section shall be numbered consecutively and filed by the inspectors. Deposit of ballot.

If the elector marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office, but this shall not vitiate the ballot so far as properly marked, and nothing therein shall be construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballot. When ballot not counted.

Sec. 85. Any elector who shall, except herein provided, allow his ballot to be seen by any person, or who shall take or remove or attempt to remove, any ballot from the poll-

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Penalty for prohibited acts, etc., in preparation of ballots.

ing place before the close of the polls, or place any mark upon his ballot by which it may be identified, or any person who shall interfere with any elector when inside the polling place, or when marking his ballot, or unduly influence or attempt to unduly influence any elector in the preparation of his ballot or any elector who shall remain longer than the specified time allowed by this act in the booth or compartment after being notified that his time had expired, or who shall endeavor to induce any elector to show how he marks, or has marked, his ballot, or aids or attempts to aid, any elector, by means of any mechanical device, or any other means whatever in marking his ballot, or shall print or procure to be printed, or have in his possession any copy of the ballot prepared to be voted, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than ten nor more than one hundred dollars, and any ballot marked by the elector for identification shall be rejected.

Penalty.

Sec. 86. Any officer who wilfully and knowingly refuses or fails to perform the duties herein prescribed shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars. But this section shall not be held to apply to cases where a different penalty is prescribed by this act.

Penalty.

Sec. 87. Any officer or officers after being sworn in who willingly and knowingly neglects, fails, or refuses to perform the duties herein prescribed, shall be guilty of a misdemeanor, except as herein otherwise provided, and on conviction, shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment not more than six months.

System to prevent one person voting twice at the same election, etc.

Sec. 88. When any person shall have voted, his name shall be checked on the margin of the page opposite thereto upon the registration list by one of the inspectors, and the clerk of the election shall keep a poll list, which shall contain one column headed "Names of Voters," and the name of each elector voting shall be entered by the clerk in such column as he votes. And the inspectors of election shall have the authority and power to prevent repeating, and to prevent any person from voting a second time at the same election when they have good reason to believe such person has already voted. They shall have full power to refuse to allow any person to vote who is not a qualified

elector, or who has become disqualified for any cause, to vote in such election ward. They may also prevent any elector from consuming more than five minutes in voting. But no inspector shall examine, read or handle the ballot being voted or about to be voted by any elector, or interfere in any way with the voting of any elector otherwise than as herein provided.

The inspectors shall possess full authority to maintain good order at the polls, and to enforce obedience to their lawful commands during an election, and during the canvass and estimate of the votes. There shall be at each polling place in each election district a police officer to be designated by the Board of Election Commissioners, who shall be required to be present during the whole time the polls are kept open and until the election is completed, who shall be subjected to all lawful commands of the inspectors, and who shall see that there is no interruption of good order. Such police officer shall have the power, when necessary, to maintain the peace and good order at the polls. Any person when summoned or called upon by such police officer, who shall fail or refuse to assist him in maintaining the peace and good order of the polls, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not to exceed two hundred and fifty dollars or be imprisoned in the county jail not to exceed six months. If any person shall refuse to obey any lawful order of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, such inspectors may command such police officer or other person present to take such disorderly person into custody and to confine him during the election and canvass; and it shall be the duty of said police officer or other person to obey said order. Any police officer or other person who shall wilfully neglect or refuse to perform any duty imposed upon him by this act at the time or within the time herein specified, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail not more than six months, or by both fine and imprisonment; Provided, however, That no sheriff, deputy sheriff, policeman or other officer shall be allowed to come within the polling place unless summoned into the same by a majority of inspectors. On the failure of any sheriff, dep-

Authority
of inspec-
tors.

Police.

Penalty for
disobedience
of police.

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uty sheriff, policeman or other officer to comply with the provisions of this section, it shall be the duty of the inspectors of election, or one of them, to make affidavit against such sheriff, deputy sheriff, policeman or other officer for his arrest.

Saloons, etc.,
must be
closed during
certain
period.

Sec. 89. All barrooms, saloons and other places for the sale of liquors by retail, shall be closed at 11 o'clock p. m. of the evening preceding the day of any election, and shall remain closed until six o'clock in the morning of the day thereafter, and during the time aforesaid, the sale of all intoxicating liquors is prohibited. Any person who shall be convicted of a violation of this section shall be punished by a fine not less than one hundred dollars nor more than two hundred dollars, or by imprisonment in the county jail not to exceed three months.

Penalty.

Counting the
ballots, etc.

Sec. 90. At the close of the election at each polling place in each election district the inspectors and clerks shall immediately proceed to open the ballot box and count the ballots therein, and continue such count without adjournment or interruption until the same is completed. The ballots shall be first counted, and if the number of ballots shall exceed the number of persons who shall have voted, as may appear by the poll list kept by the clerk, and by the stubs detached by the inspectors, the ballots shall be replaced in the box and one of the inspectors shall publicly draw out and destroy, unopened and unexamined, as many of such ballots as shall be equal to such excess. If two or more ballots shall be found folded together, so as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed, and if upon comparison of the count, and the appearance of such ballots, a majority of the inspectors shall be of the opinion that the ballots thus folded together were voted by one person, such ballot shall be destroyed.

Certificates
of election.

Sec. 91. The canvass being completed, the result shall be publicly proclaimed. Duplicate certificates of the result of such election shall be drawn up by the inspectors or clerk at each election district, which shall contain in words written at full length the name of each person voted for each office, and the number of votes cast for each person for such office, and if any question shall be submitted to an election, such certificate shall also contain the number of votes cast for and against such question, which certi-

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ificate shall be signed by the inspectors and clerks, and one of such certificates shall be, by one of the inspectors, delivered without delay, securely sealed, to the chairman of the Board of Election Commissioners and the other to the City Clerk, and the poll list and oaths of inspectors and clerks, together with all ballot boxes, ballots, ballot stubs, memoranda and papers of all kinds used by the inspectors and clerks in conducting such election, shall be transmitted, sealed up, by the inspectors, with certificate of the result of the election, to the chairman of the board of Election Commissioners, to be filed in the office of said Election Commissioners.

Sec. 92. On the day following any election, it shall be the duty of the said Election Commissioners to meet at their office and publicly proceed to canvass the vote given for the several offices and persons as shown by the returns; such canvass shall be made solely, exclusively and entirely from the returns of certificates of the inspectors in each election ward, as signed and filed by them, and in no case shall the Board of Election Commissioners change or vary in any manner the number of votes cast for the candidates, respectively, at any polling place, as shown by the returns of the inspectors of such polling place. They shall compile the results of the election, as shown by said inspectors' returns, and then make up and sign duplicate certificates containing in words and figures, written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given for each person for such office. One of such certificates shall be furnished to the city clerk and the same shall be recorded by him in a book to be kept by him for that purpose, which book shall be furnished by the Election Commissioners and shall be labeled "Record of Election Returns." Should any member or members of the Board of Election Commissioners, or the said city clerk, wilfully violate any of the requirements of this section, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in a sum not to exceed five hundred dollars, or be committed to the county jail for a term not to exceed six months.

Canvassing
of election
returns by
Election
Commission-
ers.

Sec. 93. In case any city officer shall be elected at any election, the chairman of the Board of Election Commis

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Certificate of election to be tendered each elected person.

In case of a tie.

sioners shall give to the person who shall be elected a certificate of his election, and the city clerk shall give to any person desiring a copy of such returns from the record, upon payment to him of the customary fees for copying and certifying papers in the office of the clerk of the Circuit Court.

The person who shall receive the highest number of votes cast for one office shall be elected to such office. In case two or more persons shall receive an equal number of votes for the same office, the city council elected at such election shall choose between such persons receiving an equal number of votes, but in all cases such persons so chosen shall be qualified to hold the said office. The city council shall fill all vacancies in the city offices between elections.

Blank forms, laws, etc., to be supplied for each polling place.

Sec. 94. The Board of Election Commissioners is hereby required to cause to be prepared all proper blanks and forms to be used in the election and the returns and certificates, conformable to the provisions of this chapter, and shall also procure a sufficient number of copies of the law regulating elections in the said city of Key West, to supply the several polling places in said city, and transmit the same with the forms aforesaid, to the inspectors of election at each polling place in said city, with a sufficient number of such forms and copies for use of such inspectors at the election.

Expenses.

Sec. 95. All expenses necessarily incurred in connection with the holding of any election shall be certified by the Election Commissioners to the City Council, and the same shall be audited, passed upon and paid if approved as other bills against the city are paid.

Mayor's recommendations.

Sec. 96. It shall be the duty of the Mayor from time to time to transmit to the City Council in writing his recommendations concerning any act or thing which in his opinion pertains to the peace, welfare or good order of said city.

Former officers remain in office under new charter.

Sec. 97. The present city government of the City of Key West and the incorporation thereof shall be dissolved; however, the officers of such dissolved city government shall continue to be the custodians of the books, records, papers, money, evidences of debt and property of every description and nature, both real and personal, and shall

continue to exercise the functions of their respective offices, until the establishment of the government herein contemplated and provided for, and the election and qualification of the officers under it, to whom it shall be the duty of the officers of the defunct city government to transfer and deliver promptly on demand all books, records, papers, evidence of debt, money and property of every nature and description, both real and personal; Provided, however, that no suit or right of said city shall abate by reason of said dissolution.

Sec. 98. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.
Approved April 19, 1907.

CHAPTER 5813—(No. 218).

AN ACT to Enable the Council of the Town of Kissimmee City, Florida, to Provide for the Assessment of the Property in said Town for Town Purposes and to Levy and Collect Taxes Thereupon.

Be it Enacted by the Legislature of the State of Florida :

Section 1. At the second regular meeting of the Council of the town of Kissimmee City, in the county of Osceola, after the annual election or as soon thereafter as practicable, the said Council shall elect a Tax Assessor who shall serve for one year, and shall give bond in a sum to be fixed by the Council, and whose duty it shall be to ascertain between the first day of June and the first day of September in each year, by diligent inquiry, the names of all taxable persons in the town, and also their taxable personal property, and all taxable real estate thereon, on the first day of June of such year, and shall make out an assessment roll of all such taxable property.

Sec. 2. He shall visit and inspect all real estate and affix a valuation thereon, and all tax returns by owners or agents must be made between the first day of June and the first day of July.

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Personal and
real property
responsible.

Sec. 3. The assessment of personal property shall be made separate from the assessment of real estate, but personal property shall be responsible for the taxes on real estate, and real estate shall be responsible for the taxes on personal property.

Property
owner
to subscribe
to oath, etc.

Sec. 4. Every Assessor shall require any person giving in the amount or list of his personal property, to make oath before him, which oath the said Assessor is hereby authorized to administer, that the same is full and correct, and any person refusing to take such oath shall not be permitted afterwards to reduce the valuation made by such Assessor of his personal property for that year. The valuation of any item of property by the tax payer, shall, in no case, prevent the Assessor from determining its true value, and he is hereby empowered in his judgment to increase the same to its true value. All taxable personal property, the value of which shall not have been specified under oath, as aforesaid, shall be estimated by the Assessor at its true cash value, according to his judgment and information.

General revenue law
to apply.

Sec. 5. All banking, loan, and trust companies, associations or corporations, or any other corporations shall be assessed and the method of entering the assessment of real estate and personal property in the assessment roll, and the assessment of lands previously omitted from the roll, shall be the same as is or may be prescribed by the General Revenue Law of the State of Florida.

Equalization
of assess-
ments, etc.

Sec. 6. The Assessor shall complete the assessment roll on or before the first Tuesday in September of each year, on which day he shall meet with the Council for the purpose of reviewing and equalizing the assessment of real estate, and their session may be continued for that purpose from day to day for one week, or as long as may be necessary; Provided, the Council may, if necessary, extend the time for the completion of the assessment roll. Should the Council increase the valuation fixed by the Assessor of any real estate, due notice thereof shall be given to the owner thereof by publication in not less than two weekly issues of a newspaper published in said town, that the Council will meet on the third Tuesday in said month of September to consider any complaints that may be pre-

sented against such increase of value, and on said day the Council shall meet for such purpose. 1907.

Sec. 7. At their meeting on the first Tuesday in September, as aforesaid, or as soon thereafter as practicable, the Council shall ascertain and determine the amount to be raised for all town purposes, and shall enter upon their minutes the rate to be levied for each fund respectively, and shall ascertain the aggregate rate necessary to cover all such taxes, and report the same to the Assessor, who shall carry out the amount of taxes for all town purposes under one heading in the assessment roll; and in all transactions relating to the collection of said taxes and to the payment of warrants drawn upon said funds, the Collector and Treasurer and Clerk of said town shall keep said funds separate and distinct. The Council shall have full power to establish such funds as may be required for the government of the town and to levy such taxes as may be necessary for the support of said funds.

Rate of assessments, funds, etc.

Power of Council to establish funds.

Sec. 8. Immediately after the equalization of the assessment and the levy of taxes shall have been made, as aforesaid, the Assessor shall complete the assessment roll by calculating and carrying out the several amounts of such taxes in separate columns provided for that purpose in the assessment roll, setting opposite the several sums set down on the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting all fractional parts of a cent. He shall also add up all the columns of the assessment and taxes contained in the assessment roll, and make thereon such recapitulatory tables as may be required by the Council, and the said Assessor shall make out one copy of said assessment roll when thus completed, and shall annex to the original and copy, an affidavit substantially in manner and form as prescribed by the General Revenue Law of the State of Florida, which copy, with the original, he shall turn over to the Council at a meeting to be held on the first Tuesday in October of each year for that purpose, at which meeting the Council shall examine and compare such original and copy, and correct any errors, and, if found to be correct, shall so certify upon each of them, which certificate shall be signed by a majority of the Council, and the Assessor shall then deliver the copy of the

Duty of Assessor in making out and completing assessment roll.

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assessment roll to the Clerk and the original to the Tax Collector of said town, after annexing to said original a warrant substantially in manner and form as is or may be prescribed by the General Revenue Law of the State of Florida.

Duty of Tax
Collector.

Sec. 9. All taxes shall be payable on or after the first Monday in November of each year, and the Tax Collector is hereby vested with the power, and it shall be his duty to collect by levy and sale of the goods and chattels, lands and tenements assessed, all taxes that remain unpaid on the third Monday in May of each year.

Method of
collection
and sales.

Sec. 10. The method of the collection of taxes and sales of lands for taxes, and the issuance of tax deeds upon such sales, and the redemption of lands from such sales, shall be the same as is or may be prescribed by the General Revenue Law of the State of Florida.

Assessor's
salary.

Sec. 11. The Assessor shall receive such salary as may be fixed by the Council; Provided, the salary be so fixed annually before his election by the Council.

Sec. 12. All laws or parts of laws in conflict herewith be, and the same are hereby, repealed, so far as they affect the town of Kissimmee City.

Sec. 13. This act shall become a law in full force and effect, immediately upon its passage and approval by the Governor.

Approved May 1, 1907.

AN ACT to Amend Sections 9 and 45 of Chapter 5091 of the Laws of Florida, Entitled "An Act to Abolish the Present Municipal Government of the Town of Lake City, in the County of Columbia and State of Florida, and to Establish, Organize and Constitute a Municipality to be Known and Designated as the City of Lake City, and to Define its Territorial Boundaries, and to Provide for Its Jurisdiction, Powers and Privileges," to Amend Section 67 of Said Act as Amended by Section 4 of Chapter 5350 of the Laws of Florida, Approved April 16, 1903, and to Supplement Said Act and Extend the Powers of the Government of Said Municipality.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 9 of Chapter 5091 of the Laws of Florida entitled "An act to abolish the present municipal government of the town of Lake City, in the county of Columbia and State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Lake City, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges," be amended so as to read as follows:

Sec. 9. There shall be elected by the qualified electors of said municipality a Mayor, Clerk, Treasurer and Tax Collector, who shall each hold their respective offices for two years and until their successors shall be elected and qualified.

Sec. 2. That Section 45 of said act be amended so as to read as follows:

Sec. 45. There shall be a Tax Assessor who shall serve for one year and until his successor is elected and qualified. He shall be elected annually by the City Council, as soon as practicable after each general city election as the same shall be constituted by reason of such election. He shall enter upon the discharge of his duties immediately after being sworn into office and giving such bond as may

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be required by ordinance. It shall be his duty to assess all the property within the corporate limits of the city, both real and personal, between the first day of May and the first day of July in each and every year. The manner in which he shall perform his duties shall be determined by ordinance of the City Council. He shall give bond for the faithful and correct performance of his duties, with sureties to be approved by the Council. He shall be clothed with authority to administer oaths or affirmation in the listing of property for taxation the same as County Assessors are authorized by general law. He shall receive such compensation as the City Council may fix.

Sec. 3. That Section 67 of said act as amended by Section 4 of Chapter 5350 of the Laws of Florida, approved April 16, 1903, be amended so as to read as follows:

Marshal.

Section 67. There shall be a Marshal who shall serve for one year and until his successor is elected and qualified. He shall be elected annually by the City Council, as soon as practicable after each general city election as the same shall be constituted by reason of said election. He shall enter upon the discharge of his duties immediately after being sworn into office and giving such bond as may be required of him by ordinance. He shall receive such compensation as is provided, which shall not be changed during his term of office; Provided, This act shall not affect the present incumbent during his term of office.

Proviso.

**Board of
Public
Works.**

Sec. 4. The Board of Public Works which was created by an ordinance passed and approved under the provision of Chapter 5509 of the Laws of Florida, approved May 27, 1905, shall be constituted and shall have and exercise all the powers and duties as provided in and by said ordinance, until said ordinance shall have been repealed or amended by ordinance approved in like manner as said ordinance was adopted and approved.

**Entering of
liens, etc.**

Sec. 5. As soon as practicable after the approval of this act, the Board of Public Works shall have entered up, unless already entered up, all liens claimed by the city against lots for the construction and repair of sidewalks and foot pavements and for the grading and paving of streets, in a book prepared for that purpose, labeled "Street Improvement Lien Book," giving the cost of such works, the lot upon which such lien or liens are

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claimed and such other information as the Board may deem advisable, and shall notify the City Council when said liens have been entered up as aforesaid, and the City Council shall, within a reasonable time thereafter, cause to be published once each week for four weeks a notice when the Council will meet to hear and consider petitions against such liens. Any person owning any lot or any interest therein or having a lien thereon shall have the right at any time before such meeting of the City Council to present to the City Clerk a sworn petition to the City Council, stating his interest in the property and alleging that, in the opinion of the petitioner, the cost of the work for which such lien is claimed as entered up in the Street Improvement Lien Book exceeds the actual cost thereof, or is otherwise erroneously entered up, or exceeds the special benefits accruing to the lot affected by the lien. It shall be the duty of the City Council to hear and consider all petitions presented as aforesaid and make due and proper inquiry into the questions involved, and if it shall appear to their satisfaction that the cost as entered up is erroneously stated or entered up, or exceeds the special benefits accruing to the lot affected by the lien, then the City Council shall by resolution so declare, and shall have the entry thereof in the Street Improvement Lien Book corrected, and shall fix the amount to be charged up against such lot at an amount not exceeding in the discretion of the City Council the special benefits accruing to such lot, and the amount so fixed shall stand as the amount of such lien, and any amount of such cost found to be in excess of special benefits shall be paid by the city. In all cases where no petition shall have been filed as hereinbefore provided, the amount of such lien as entered up in the Street Improvement Lien Book shall become and be a fixed lien upon the lot. In no event shall the validity of such lien as primarily entered in the Street Improvement Lien Book, or as fixed by the City Council on petition duly presented, be questioned in any direct or collateral proceeding instituted more than three months after the City Council shall have acted on said petition, and each such lien shall be a lien on the lot against which it is claimed superior to all other liens, excepting only liens for taxes.

If the amount of such lien fixed and determined as aforesaid shall be paid to the city within three months after the

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Liens.

first publication of said notice no interest shall be charged thereon, but in all cases where the face of said lien is not paid within said three months, the lien shall cover interest from the date of the completion of such work, and all costs and fees incurred by the city for its collection, which may be collected as provided in this act.

**Cost of im-
provements,
etc.**

In all cases where contracts have been let by the city under ordinance for the construction or repair of sidewalks or foot pavements or for the grading and paving of streets, and such work is not completed, as soon as practicable after such work is done, or such part thereof as the Board of Public Works shall from time to time designate, the cost thereof shall be entered up in the Street Improvement Lien Book, and thereafter the notice, right of petition, filing of the city's liens for such work according to special benefits and other procedure shall be the same and shall have like effect as above provided where such work has already been completed.

**Powers, du-
ties, etc., of
Mayor and
Council.**

Sec. 6. The Mayor and City Council are hereby authorized, by ordinance, to regulate, provide for and require the opening, widening, extending and improving of streets, avenues and public places; the construction and maintenance of sidewalks and street pavements; the establishment and maintenance and keeping in order of grass plots and parkways in front of property between the property lines or outer sidewalk lines and the driveways in the center of streets; the drainage and filling in of low places, public or private, dangerous to public health, and the cleaning up and putting into proper condition of places requiring such work to be done to promote the public welfare; and the construction and maintenance of water mains, sewers and drains; and may, by ordinance, provide for the payment of the cost thereof by general taxation or by special assessment of the cost thereof against the property fronting or abutting upon the street, avenue or public place where the same is done, in proportion to frontage of the property fronting thereon, the special assessment being made per front foot of the abutting property, or part of the cost thereof may be, by ordinance, paid by general taxation of all property of the city, and the remainder by such special assessment, and in cases of drainage and filling in of low places (other than streets, avenues and public places) dangerous to public health, and

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Powers and
duties of
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Council.

the cleaning up and putting into proper condition of places requiring such work to be done to protect the public welfare, shall provide for the payment of the cost of such work by special assessment of the cost thereof or of such part of the cost as may be provided by ordinance, against the property upon which such work is done, and the city shall have a lien superior to all other liens upon the abutting property or upon the property drained and filled in or cleaned up and put into proper condition, as the case may be, for the amounts of special assessments, together with interest thereon and cost of collection thereof. Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall state the estimated total cost thereof and the estimated amount per front foot of the special assessments to be levied upon abutting property, or the estimated cost to be specially assessed against the property drained, filled in, cleaned up or put into proper condition, as the case may be, and shall be published once each week for four weeks, and the City Council shall meet as soon as practicable after the expiration of said publication, at a time named in the ordinance, and permit any owner of, or other person interested in, any property against which it is proposed to levy such special assessment, to present to the City Council any objections which he may have to the enforcement of the requirements of such ordinance and shall have power, if they deem justice or right to require the same, to repeal or amend said ordinance; but no such amendment shall increase the amount to be specially assessed against other property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work. Any person owning or interested in any property to be specially assessed or generally taxed for said work, who shall not at such meeting present in writing to the City Council his objection to said ordinance, shall be deemed to have consented to its provisions and any person so presenting his objections to such ordinance and not satisfied with the action thereon, shall have the right within thirty days thereafter to present to any court of competent jurisdiction by a bill in chancery, praying for an injunction against the enforcement of said ordinance, any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown,

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to grant such injunction; and any person not so presenting his bill for injunction within thirty days, or failing to push to a successful conclusion with due diligence his application for an injunction, shall be deemed to have consented to the enforcement of the ordinance and the levy and collection of the special assessments and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The Mayor and City Council are hereby authorized to provide by ordinance for the issuance of special assessment city certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary, to enable the city to pay the cost of such work pending the collection of the special assessments and taxes, and to provide for the payment thereof with interest; and the City Council shall, as soon as practicable after the completion of any such work, by resolution fix the special assessment per front foot upon the abutting property or the special assessment against the property drained, filled in, cleaned up or put into proper condition, as the case may be, at an amount not exceeding either the actual cost of the work or the estimated special assessment stated in the ordinance providing for the work. Any person desiring to contest in any way the validity of any such special assessment or lien shall, within thirty days after the publication of the resolution fixing the special assessment, institute suit to have the enforcement thereof enjoined or its invalidity legally declared, and no person not so instituting such suit shall thereafter be heard to question the validity thereof or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty days after the publication of such resolution shall be accepted without interest, and such assessments not so paid within said time shall bear interest from the date of publication of such resolution at the rate of one per cent per month. The Mayor and City Council may, by ordinance, provide for the payment of such special assessments in instalments, and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provisions of one ordinance may be enforced in and

by one proceeding in equity. The city shall have and collect a lien upon any properties affected by such special assessments for reasonable attorney's fees for the collection of unpaid special assessments after the collection thereof shall have been entrusted to an attorney by resolution of the City Council.

Sec. 7. This act shall become effective immediately after its passage and approval.

Approved May 1, 1907.

CHAPTER 5815—(No. 220).

AN ACT Validating Certain Obligations Contracted for the Sum of \$43,200 by the City of Lake City During the Years 1906 and 1907, Authorizing said City to Issue Bonds for the Payment of Said Indebtedness, and Providing for the Payment of said Bonds.

Whereas, At divers times during the years 1906 and 1907 the City of Lake City borrowed several sums of money aggregating forty-three thousand two hundred dollars, and issued evidences of said indebtedness in the form of bonds or promissory notes for the payment of the money so borrowed, due one year after the date of each of said obligations, with interest at the rate of eight per cent. per annum after maturity, and the different persons loaning said sums of money acted in good faith and the city received the full benefit of said loans: Therefore,

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the several obligations contracted by the City of Lake City, at divers times during the year 1906 and 1907, aggregating the sum of \$43,200.00, evidences of which were issued in the form of promissory notes or bonds, payable each one year after the date thereof, with interest at the rate of eight per cent. per annum, are hereby ratified and approved, and the same are hereby recognized as valid and binding on the City of Lake City as fully and to the same extent as if said city had been authorized by law to contract said obligations and issue evidences thereof in manner and form as aforesaid.

Obligations,
etc.

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Bond issue.

Sec. 2. That the Mayor and City Council of the City of Lake City, in their corporate capacity, are hereby authorized to issue from time to time, bonds of said city to such amounts as may be necessary to pay said obligations with interest, and of such denominations bearing such rate of interest, not exceeding five per cent, becoming due at such times and upon such conditions as may, by ordinance calling for such bond election, be determined, the proceeds from the sale of which bonds at not less than par value shall be used for the payment of said obligations contracted and evidences thereof issued as aforesaid, and for the payment of which bonds and the interest thereon, the entire taxable property of said city and the public utilities acquired and owned by the city may be pledged; Provided, That before the issue of said bonds be made, the issuance of the bonds proposed to be issued shall be provided for by ordinance, setting forth the denominations of such bonds, the rate of interest, the time, place and conditions when said bonds and the interest thereon shall become due and payable, and that the proceeds arising from the sale of said bonds shall be used for the purpose of paying said obligations and interest due thereon, and subsequently approved by a majority of the votes cast by the qualified electors of said city who were qualified to vote at the city general election next preceding such election, at a special election held for that purpose, or, if said question of issuing bonds be submitted to be voted upon at a general city election, then by a majority of votes cast by the qualified voters of said city at such election; the time and manner of holding such election shall be prescribed in the ordinance providing for the issuance of said bonds; and provided further, That the Board of Public Works of the City of Lake City shall be the trustee of the bonds issued under this act, which board shall have all the power in reference to the bonds issued hereunder as vested in said Board of Public Works by law and ordinance in reference to the existing bonds of said city. The Mayor and City Council shall levy and collect annually such special tax on the taxable property within the corporate limits of said city as may be necessary to pay the interest on said bonds, and to provide a sinking fund for the payment of said bonds, and by ordinance, shall require of the disbursing agents handling the money hereby

provided for such bonds for the faithful performance of their duties as they may determine.

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Sec. 3. This act shall not be construed as limiting, repealing or modifying any other laws in force as to the issuing of bonds for other purposes than that specifically provided for in this ordinance; and the bonds issued under this act shall be in addition to the issuance of bonds heretofore authorized and issued.

Act not affecting former acts or obligations.

Sec. 4. This act shall be effective immediately after its passage and approval.

Approved May 1, 1907.

CHAPTER 5816—(No. 221).

AN ACT Requiring All Moneys Collected on Special Assessments in the City of Lake City, Florida, to be Paid to the Board of Public Works of said City, to be Used for Paving Streets and Making Other Public Improvements.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That all sums of money collected on special assessments for paving streets, building sidewalks, streets, or other improvements in the City of Lake City, Florida, shall be paid to the Board of Public Works of said city as collected, to be used by said board for the purpose of paving streets or for making other such public improvements.

Sec. 2. That this act shall take effect immediately on its passage and approval by the Governor.

Approved June 3, 1907.

LAWS OF FLORIDA.

CHAPTER 5817—(No. 222).

AN ACT to Amend Sections Two (2), Eight (8), Thirty-seven (37), and Section Fifty-one (51), of Chapter 4869 of the Laws of the State of Florida, Being an Act Entitled "An Act to Abolish the Present Municipal Government of the City of Lakeland, in the County of Polk, and State of Florida, and to Establish, Organize and Constitute a Municipality to be Known and Designated as Lakeland, and to Define its Territorial Boundary, and to Provide for its Jurisdiction, Powers and Privileges."

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 2 of Chapter 4869 of the Laws of the State of Florida be and the same is hereby amended so as to read as follows:

Territorial
boundaries.

Sec. 2. That a municipality to be known and designated as the city of Lakeland is hereby established, organized and constituted in the county of Polk and State of Florida, the territorial boundaries of which shall be as follows: Begin at the northwest corner of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 13, Township 28, Range 23, run south to southwest corner of southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ Section 24, Township 28, Range 23; thence east to southeast corner of southwest $\frac{1}{4}$ of northeast $\frac{1}{4}$ Section 19, Township 28, Range 24; thence north to northwest corner of northeast $\frac{1}{4}$ of northeast $\frac{1}{4}$ of Section 18, Township 28, Range 24; thence west to the point of beginning; also including the northeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 18, Township 28, Range 24, in Polk County, State of Florida.

Sec. 2. That Section 8 of Chapter 4869 be and the same is hereby amended so as to read as follows:

Corporate
authority.

Sec. 8. That the corporate authority of said city of Lakeland shall be vested in a Mayor, City Council, Clerk, Assessor and Treasurer (one or more persons as may be fixed by ordinance), Marshal and Collector (one person), and such other officers as may be appointed and constituted according to ordinance. No person shall be eligi-

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ble to any of said offices who shall not be a citizen of the State of Florida, and who shall not be a resident and legal voter of said corporation.

Sec. 3. That Section 37 of Chapter 4869 of the Laws of the State of Florida be and the same is hereby amended so as to read as follows:

Sec 37. Whenever it shall be deemed advisable to issue ^{Bond issue.} bonds for any purpose or purposes hereinafter named; for raising money to be used in constructing and maintaining waterworks; for the purpose of operating and maintaining a system of sewerage, or otherwise promoting the health of said municipality; for the purpose of opening, widening and paving the streets and sidewalks of said municipality, and for opening, constructing and maintaining public parks and promenades; for the purpose of erecting school houses and maintaining a system of public education in said municipality; for the purpose of establishing and maintaining a fire department in said municipality; for the purpose of erecting public buildings for the use of said municipality; for the purpose of building or purchasing an electric or other illuminating plant for the use of said municipality; for any one or more of said purposes, the Mayor and Council are hereby authorized to issue bonds of said municipality, under the seal of the corporation, to an amount not exceeding one hundred thousand dollars, signed by the Mayor, countersigned by the President of the Council, and attested by the Clerk, with interest coupons attached, which shall be signed in like manner; ^{Proviso.} Provided, however, That before said bonds shall be issued, the issuance of said bonds shall be approved by an affirmative vote of a majority of the electors voting at an election to be held for that purpose, which election shall be regulated by an ordinance as to the manner of conducting or certifying same; after the same has been advertised for not less than thirty days in a newspaper published in said Lakeland, and at which election only resident electors otherwise qualified, who shall also own real estate within the corporate limits, and who have paid taxes thereon for the year when such taxes were last due, shall be entitled to vote.

Sec. 4. That Section 51 of Chapter 4869 of the Laws of the State of Florida be and the same is hereby amended so as to read as follows:

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Clerk, Treas-
urer and
Assessor.

Sec. 51. That there shall be a Clerk, Treasurer and Assessor of Taxes, all of which said offices shall be filled by one person; Provided, however, That the Council may by ordinance separate said offices, and provide for them to be filled by more than one person. The said Clerk, Treasurer and Assessor shall perform the duties of said offices, and shall be elected at the general election, serve for one year or until his successor is elected and qualified. The compensation of said officer shall be fixed by ordinance, and shall not be changed during his term of office.

Sec. 5. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 6. That this act shall be of full force and effect from and after its passage and approval by the Governor.
Approved May 1, 1907.

CHAPTER 5818—(No. 223).

AN ACT to Legalize an Ordinance Entitled "An Ordinance to Provide for Issuing Bonds of the Aggregate Amount of Eight Thousand Dollars of the Town of Leesburg, in the State of Florida, for Dredging Canals and Other Municipal Purposes," Passed by the Town Council of the Town of Leesburg December 10, 1906, and Approved December 11, 1906, and to Declare and Render Valid the Election Held on December 22, 1906, in pursuance Thereof, and to Declare and Render Valid the Result of Said Election as Shown by the Returns Thereof and to Authorize the Issue of Bonds as Proposed by the said Ordinance and to Validate Such Bonds Heretofore or Hereafter Issued.

Whereas, An election was held in the Town of Leesburg on the 22nd day of December A. D. nineteen hundred and six, in pursuance of an ordinance passed by the Town Council of said town December 10, 1906, and approved December 11, 1906, to determine whether the issuing of bonds to the aggregate amount of eight thou-

sand dollars for dredging canals and other municipal purposes should be approved:

And Whereas, At such election more than two-thirds of the votes cast were in favor of the approval of the issuing of said bonds:

And Whereas, It is required by the provisions of said ordinance that the bonds so authorized to be issued shall bear date of December 31, 1906.

And Whereas, Prior to the execution of said bonds the term of office of some of the officers of said town by whom said bonds are required to be signed had expired:

And Whereas, It is important that no question should arise as to the validity of said ordinance, or of said election, or as to the validity of the bonds provided for in said ordinance and which (have been, or) may be issued in pursuance thereof, or of the said authority or approval; therefore,

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the said ordinance passed by the Town Council of the Town of Leesburg, December 10th, 1906, and approved December 11, A. D. 1906, and the election held on December 22, 1906 in pursuance thereof be and the same are hereby legalized and declared to be valid and binding in every respect. Legalized and validated.

Sec. 2. That the Town of Leesburg is hereby authorized to proceed with the issuance of bonds to the aggregate amount of eight thousand dollars as provided in and by said ordinance, and in manner and form as therein provided, or in accordance with said ordinance and with such ordinances of the town hereafter passed not in conflict therewith, and the bonds of said Town of Leesburg issued or that may be issued in pursuance of said ordinance or ordinances are hereby declared to be valid in manner, form, and effect as issued, and to be binding and to have full force, virtue and effect in law and equity against the Town of Leesburg, and the entire taxable property therein, for the payment of principal and interest and otherwise howsoever: Provided that the said bonds shall not be sold below par, nor in contravention of said ordinance. Bond issue.

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nance as to the amount of issue or time or place of payment.

Six per cent improvement bonds legalized and validated.

Sec. 3. The six per cent Improvement Bonds of the Town of Leesburg, Florida, dated December 31, A. D. 1906, aggregating eight thousand dollars, are hereby validated, legalized, approved, confirmed and made binding obligations upon the Town of Leesburg, notwithstanding that the Mayor and certain Councilmen and other officers of the said town, by whom the said bonds, or any of them, are or may be executed, were not in office December 31, A. D. 1906, or that the said bonds, or the execution, issuance or delivery thereof, or proceedings preliminary to the execution, issuance or delivery thereof, may be defective in other respects, or otherwise howsoever.

Ordinance of Dec. 10, 1906, conduct and result of election, etc., legalized.

Sec. 4. That the provisions of this act are, and shall be construed as, remedial and curative of any defect or want of power upon the part of the municipality of the Town of Leesburg to pass, ordain, or adopt said ordinance passed December 10, 1906, or to hold and conduct the said election and declare the result thereof, in the manner the same was held and conducted and the result declared, or to arrive at such result through the votes of those who voted at such election; and said ordinance, and said election, and the approval of the issuance of said bonds, and said bonds, are hereby legalized and made valid in so far as the Constitution of the State of Florida permits and the Legislature has power:

Sec. 5. That this act shall take effect immediately upon its passage and approval by the Governor or on becoming law without his signature.

Approved April 19, 1907.

AN ACT to Authorize the Town of Leesburg, Florida, to Make Assessments of Property Subject to Taxation Therein and to Fix the Valuation of Such Property for Purposes of Municipal Taxation.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the Town of Leesburg, Florida, shall have full power and authority to make its own assessments of taxes for municipal purposes upon property situated or subject to taxation in said town, and for such purpose to fix the valuation of said property by its proper offices without regard to the valuation placed thereon by the State or county officers charged with the assessment of property for taxation. Power to make assessments, etc.

Sec. 2. That this act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Approved May 1, 1907.

AN ACT to Legalize the Election Held in the City of Live Oak, Florida, on November 21, A. D. 1905, to Determine Whether or Not Bonds in the Sum of Two Hundred Thousand (\$200,000) Dollars Should be Issued by Said poses and in the Following Amounts, that is to Say: City to Raise Money for the Following Municipal Pur—"For the Purpose of Street Paving, Seventy-five Thousand (\$75,000) Dollars; for Purchasing and Constructing Waterworks, Seventy-five Thousand (\$75,000) Dollars; for Constructing a System of Sewerage, Thirty-five Thousand (\$35,000) Dollars; for the Erection of a City Hall and Market for the Use of Said City, Ten Thousand (\$10,000) Dollars; and for the Establishing and Maintaining a Fire Department for Said City, Five Thousand (\$5,000) Dollars; and Providing for the Election of Bond Trustees," and Validating Ordinances Numbered Forty-two and Forty-three of said City of Live Oak, and Legalizing and Validating the Bonds Issued in Pursuance of Said Election and Ordinances, and Authorizing the Sale and Delivery by the Board of Bond Trustees of Said City of the Bonds, or any Portion Thereof, now Remaining in the Hands of the Bond Trustees, Amounting in the Aggregate to One Hundred and Ninety Thousand (\$190,000) Dollars, Face Value.

Whereas, The authority is given by Article 5 of Chapter 5353 of the Laws of Florida, approved May 25, 1903, to the City of Live Oak, Florida, to issue bonds in an amount not exceeding twenty (20) per cent of the assessed value of the property, both real and personal, within the corporation limits of said city, for any purpose or purposes hereinafter named, to-wit: For raising money to be used in constructing or purchasing waterworks; for the purpose of constructing or purchasing electric light plant, gas works or other illuminating works; for the purpose of constructing a system of sewerage, or otherwise promoting the health of the city; for the purpose of opening, widening and paving the

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streets and sidewalks of the city, and for opening, constructing and maintaining parks, promenades, etc.; for the purpose of erecting school houses and maintaining a system of public education in said city; for the purpose of establishing and maintaining a fire department in said city; for the purpose of erecting public buildings for the use of said city, and for any one or more of said purposes or for any other purpose deemed necessary for the public good, provided the same is not in conflict with the Constitution and Laws of the State of Florida, but before said bonds should be issued or otherwise provided for, their issuance should be approved by a majority of the votes actually cast by the qualified electors of said city owning and paying taxes on real-estate in said city at the time said election is called for that purpose; and

Whereas, An ordinance was duly passed by the City Council of Live Oak on the 25th day of September, A. D. 1905 and approved by the Mayor of said city on the 27th day of September, A. D. 1905, and was regularly published and became an ordinance of said city in the regular way, entitled "An ordinance providing for an election to be held within the City of Live Oak, Florida, for the purpose of determining whether or not bonds in the sum of two hundred thousand (\$200,00) dollars should be issued by said city to raise money for the following municipal purposes and in the following amounts, that is to say: For the purpose of street paving, seventy-five thousand (\$75,000) dollars; for purchasing and constructing waterworks, seventy-five thousand (\$75,000) dollars; for constructing a system of sewerage, thirty-five thousand (\$35,000) dollars; for the erection of a City Hall and Market for the use of said city, ten thousand (\$10,000) dollars; and for the establishing and maintaining a fire department for said city, five thousand (\$5,000) dollars; and providing for the Election of Bond Trustees;" and said ordinance is known and designated as Ordinance No. 42 of said city; and

Whereas, The Mayor of Live Oak, on the 2nd day of October, 1905, issued his proclamation and caused the same to be published as provided by said ordinance, calling an election which was held in said city on the 21st day of November, 1905, as authorized by said ordi-

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nance, and in which said election a majority of the votes cast by the legal qualified electors qualified to vote at said election was in favor of issuing bonds for the several purposes and in the several amounts as provided for in said ordinance calling said election, aggregating the sum of two hundred thousand (\$200,000) dollars; and,

Whereas, In pursuance of the authority conferred by said election held under the provisions of said ordinance hereinbefore mentioned, the City Council of the City of Live Oak on the 11th day of December, 1905, duly passed an ordinance and on the 12th day of December, 1905, the same was duly approved by the Mayor of said city and was duly and legally published and became a valid ordinance in the regular way, entitled "An ordinance providing for the issue of bonds under the provisions of an act of the Legislature of the State of Florida, entitled 'An Act to abolish the present municipal government of the town of Live Oak, Suwannee County, Florida, and organize a city government for the same, and to provide its jurisdiction and powers,'" and which said ordinance is known and designated as Ordinance Number Forty-three (No. 43), of the City of Live Oak, and in pursuance thereof the Mayor and City Council of the City of Live Oak, acting in their corporate capacity under the provisions of Article 5, Chapter 5353 of the Laws of Florida approved May 25th, 1903, and in pursuance of and by the authority conferred by virtue of said election so held on November 21st, 1905, provided for the issuance of bonds of said city of Live Oak, four hundred (400) in number, to be known as Public Improvement Bonds of the City of Live Oak, Florida, to be dated 28th day of February, 1906, and each of the denomination of five hundred (\$500) dollars, and bearing interest payable semi-annually on the first days of January and July of each year at the rate of five (5) per cent. per annum, said bonds becoming due on the 28th day of February, A. D. 1936, with principal and interest of said bonds payable at the office of the City Treasurer of the City of Live Oak in lawful money of the United States, and providing that each of said bonds should be engraved and for interest coupons attached and should be signed by the Mayor of the City of Live Oak, countersigned by

the President of the City Council and attested by the City Clerk of said city, and should bear the corporate seal of said city; and,

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Whereas, On the 28th day of February, 1906, said bonds so authorized as aforesaid and numbered from one to four hundred inclusive, with semi-annual interest coupons attached thereto, were duly executed as required by said ordinance, of which bonds so executed as aforesaid the following is a true copy, blanks for number of each filled in as the number of the bond may render necessary, to-wit:

**UNITED STATES OF AMERICA,
STATE OF FLORIDA.**

No. (Device.)

\$500.00

CITY OF LIVE OAK.

Five per cent Public Improvement Bond.

KNOW ALL MEN BY THESE PRESENTS, That the City of Live Oak, in the State of Florida, hereby, for the full face value of this bond received, promises to pay to the bearer the sum of FIVE HUNDRED DOLLARS in lawful money of the United States of America, on the 28th of February, A. D. 1936, together with interest on said sum from the date hereof until paid at the rate of five per cent. (5 per cent. per annum), payable semi-annually on the first day of January and July of each year, on presentation and surrender of the corresponding interest coupons hereto attached as they severally become due, both principal and interest of this bond being hereby made payable at the office of the City Treasurer of the City of Live Oak, Florida.

And for the prompt payment of this bond, with interest, at maturity, the full faith, credit and property of the said City of Live Oak are hereby irrevocably pledged.

This bond is issued pursuant to law and especially under and in full compliance with the provisions of that certain act of the Legislature of the State of Florida, entitled "An act to abolish the present municipal government of the Town of Live Oak, Suwannee County, Florida, and organize a city government for the same and to provide its jurisdiction and powers," and is sanctioned by a majority of the votes cast by the qualified

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registered voters of said City of Live Oak as expressed at an election duly called and held in the said city on the 21st day of November, A. D. 1905, and is further authorized by an ordinance duly passed by the Mayor and City Council of the said City of Live Oak, and is issued for the purpose of providing funds for the several municipal purposes, respectively, and in the several amounts, respectively, as are designated and provided for in Ordinance No. 42 of the said City of Live Oak, Florida.

AND IT IS HEREBY CERTIFIED AND RECITED, That this bond shall be exempt from taxation in said city, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have been properly done, happened and been performed in regular and due form as required by law, and that the total indebtedness of said City of Live Oak, including this bond, does not exceed the constitutional or statutory limitation of the State of Florida.

IN WITNESS WHEREOF, the City of Live Oak, Suwannee County, Florida, through its Mayor and City Council, has caused this bond to be signed by its Mayor, countersigned by the President of the City Council and attested by the City Clerk, and the seal of said city to be hereunto affixed, this 28th day of February, A. D. 1906.

Attest:

S. P. MAYS,
City Clerk.

M. E. BROOME,
Mayor.

Countersigned:

CHAS. H. BROWN,
President of City Council.

Endorsed:

Number _____
State of Florida,
City of Live Oak.

Five Per Cent. (5 per cent). Public Improvement Bond.
\$500.00

Dated February 28th, 1906.

Due February 28th, 1936.

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Interest five per cent. (5 per cent.) payable semi-annually on the first day of January and July at the office of the City Treasurer of the City of Live Oak, Florida

FORM OF COUPON:

No. _____ The City of Live Oak, \$12.50
In the State of Florida

hereby promises to pay to the bearer the sum of Twelve and 50-100 dollars on the first day of _____ at the office of the City Treasurer, in the City of Live Oak, for semi-annual interest then due on the Public Improvement bond.

Attest: M. E. BROOME,
S. P. MAYS, Mayor,
City Clerk.

Countersigned:
CHAS. H. BROWN,
President of the City Council.

And whereas, The said four hundred bonds aggregating the sum of two hundred thousand (\$200,000) dollars, when executed as aforesaid, were delivered to the Board of Bond Trustees of the City of Live Oak, as required by said ordinance and the law in such case made and provided, and twenty of said bonds—numbering from one to twenty inclusive and aggregating the sum of ten thousand (\$10,000) dollars—have already been sold and delivered by the Board of Bond Trustees and there remains unsold in the hands of the present Board of Bond Trustees of said city three hundred and eighty (380) of said bonds aggregating one hundred and ninety thousand (\$190,000) dollars, face value, and numbered from twenty-one to four hundred, inclusive; and

Whereas, It is important that no question should arise as to the validity of said Ordinance Number Forty-two (No. 42) providing for said election, and the proclamation of the Mayor and election held thereunder on November 21st, 1905, and as to the validity of Ordinance Number Forty-three (No. 43) authorizing the execution of said bonds, and as to the validity of the said four hundred bonds issued as aforesaid in pursuance of said

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ordinance and of said authority, and aggregating the sum of two hundred thousand (\$200,000) dollars; therefore

Be it Enacted by the Legislature of the State of Florida:

Ordinances No. 42 and 43, election of Nov. 21, 1906, and bonds numbered from one to four hundred validated.

Section 1. That said Ordinances Numbered Forty-two and Forty-three of the City of Live Oak, Florida, and the said election hereinabove referred to held thereunder on November 21st, 1905, be and the same are hereby legalized and declared valid and binding in every respect; and the said bonds so issued by the City of Live Oak, Florida, and numbered from one to four hundred, inclusive, dated February 28th, A. D. 1906, and each for the sum of five hundred (\$500.00) dollars, with semi-annual interest coupons attached, be and the same are hereby declared valid and to constitute, when and as delivered to the purchaser or purchasers thereof, valid and binding obligations in law and in equity against said City of Live Oak, and to bind the said city for the payment of the principal sum and interest thereon.

Bond Trustees authorized to sell issue of bonds unsold

Sec. 2. That the present Board of Bond Trustees of the City of Live Oak, Florida, and their successors in office, be and they are hereby authorized and empowered, with the concurrence of the City Council, to offer for sale and sell and deliver as sold either at private sale or by advertisement for sealed bids, all or any portion of the said issue of bonds now unsold, and amounting to one hundred and ninety thousand (\$190,000) dollars, and the said Bond Trustees may deliver the entire issue now remaining in their hands, or any portion thereof, when sold, at the time of such sale or at such time as may be mutually agreed upon between the Bond Trustees and the purchaser or purchasers thereof, without reference to the expenditure of the proceeds or any part thereof, and they shall not be required to deliver the same in installments; provided, that should the Bond Trustees determine to sell said issue of bonds, or any part thereof, now remaining in their hands, by advertisement for sealed bids, then notice thereof shall be given for thirty days immediately preceding the time of sale and such notice shall be published in a newspaper published in Live Oak, Florida, and also in two newspapers published in cities reputed to be money centers,

Provided.

for at least two weekly issues of said papers. Said Bond Trustees shall reserve the right to reject any and all bids and to re-advertise the same.

Sec. 3. That all laws and parts of law in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 4. That this act shall take effect immediately upon its passage and approval.

Became a law without the approval of the Governor.

CHAPTER 5821—No. 226).

AN ACT to Amend Section 7 of Article 4 of Chapter 5353 and Section 10 of Article 5 of Said Chapter 5353, Laws of Florida, Approved May 25th, 1903, the Same Being An Act to Abolish the Present Municipal Government of the Town of Live Oak, in Suwannee County, Florida, and Organize a City Government for the Same, and to Provide Its Jurisdiction and Powers.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 7 of Article 4 of Chapter 5353, Laws of Florida, approved May 25th, 1903, the same being "an act to abolish the present municipal government of the town of Live Oak, in Suwannee County, Florida, and organize a city government for the same, and to provide its jurisdiction and powers," be, and the same is, hereby amended so as to read as follows:

"Section 7. The City Council shall, within the limitation of this act, have power by ordinance to levy and collect taxes upon all property, privileges and professions taxable by law for State purposes, and upon any other business, occupation or profession upon which the City Council shall see fit to impose such occupational license and shall prescribed the penalties for the carrying on of any business, occupation or profession without such license; and to make their own valuation for the purposes of municipal taxation; to appropriate money for the pay-

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ment of debts and the expenses of the city, and also for the debts of the municipal corporation of which the said city of Live Oak is the successor under this act; to make regulations to prevent the introduction of contagious and infectious diseases into the city and to make quarantine laws for that purpose, and to enforce the same within five miles of the city, when the same is not in conflict with the quarantine laws and regulations of this State and the United States; to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make rules and regulations to secure the general health, safety, convenience and welfare of the inhabitants and to prevent and remove nuisances, whether affecting the health, morals, safety of security of the community; to provide the city with water by waterworks to be within or beyond the boundaries of the city; to provide for the prevention or extinguishment of fires and to organize and establish fire departments; to provide for the lighting of the city by electricity, gas or other illuminating material, within or beyond the boundaries of the city; to authorize and make appropriations to alter, open, extend, abolish, widen, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks, and to erect and keep in repair bridges, culverts, sewers and gutters; to make appropriations for lighting the streets and public buildings, and for the erection of all buildings necessary for the use of the city; to license, tax and regulate auctioneers, taverns, peddlers, retailers of liquors, spirituous, vinous or malt, and all other privileges taxable by the State, or upon other privilege upon which the City Council shall see fit to impose such tax; to license, tax and regulate hackney carriages, cars, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the city limits; to regulate and license any theatrical or other exhibitions, shows, circus, parade or other amusement; to prohibit and suppress gambling houses, bawdy houses and disorderly houses and disorderly houses, and any show, circus, exhibition, parade or amusement contrary to good morals, and all obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories dangerous in increasing or producing fires; to license the sale of fire-arms; to regulate the storage of tar, pitch, resin, saltpeter,

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gun cotton, coal oil and all other combustibles, explosives and inflammable material and the use of lights, candles, lamps and steam pipes in all stables, shops and other places; to regulate or suppress the sale of fireworks, toy pistols, air guns, slung shots, etc., etc.; to provide for and regulate the inspection of beef, pork, flour and meal and all other provisions, oil, whiskey and other spirits in barrels, hogsheads and other vessels; to regulate the inspection of milk, butter and lard; to regulate the vending of meat, poultry, fish, fruits and vegetables; to establish and regulate markets; to provide for the arrest, imprisonment and punishment of all vagrants and all riotous and disorderly persons within the city, by day or by night, by warrant or otherwise; to provide for the punishment of all breakers of the peace, etc.; to disperse all disorderly assemblies on the Sabbath or secular days; to fix from time to time the boundaries of the city wards; to pass all ordinances necessary to the public health, safety, security and public welfare; and to carry out the full intent and meaning of this act, and accomplish the objects of this corporation; to impose penalties on the owners, occupants or agent of any house, walk or sidewalk or other structure or place or thing which may be dangerous or detrimental to the citizens or their property, unless after due notice the same be remedied or removed; to regulate, tax, license or suppress and punish by fine or imprisonment the keeping and going at large of all animals, fowls and domestic birds within the city, and to impound the same, and in default of redemption, in pursuance of ordinance, to sell, kill or otherwise dispose of the same; to provide for inclosing, improving and regulating all public grounds belonging to the city, in or out of the corporate limits; to provide for the organizing and maintaining of a police force, and to impose fines, forfeitures and penalties, and terms of imprisonment at hard labor or otherwise, for a breach of city ordinance, but no penalty shall exceed five hundred dollars, and no term of imprisonment shall be for a longer period than three months, for one and the same offense; to provide for the imprisonment of offenders against the ordinances at hard labor on the streets or other public works of the city, to be designated by ordinance, until the fines and cost adjudged against them by judicial authority are paid; the Council shall determine by ordinance the amount to be credited to

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such prisoners on account of fines and cost for each day's work performed; to regulate and provide for the construction of streets and paving the same, and for the construction and repair of sidewalks and foot pavements, and if the owner or owners, agent or agents of any lot or parcel of land abutting thereon or thereto shall fail to comply with the provisions of any ordinance or resolution of the City Council ordering any such improvements, in such time as may be prescribed thereby, the City Council or any person or persons duly authorized by them, may contract for such construction, improvements or repairs, and the city shall pay the same, and the amount so paid shall be enforced by suit at law or equity, and the amount recovered against the said owner or owners by suit in law or equity shall be in accordance with the general lien law of the State of Florida, or such liens may be enforced in pursuance of Section 687 of the Revised Statutes of Florida; to grant the right of way through the streets, avenues and public grounds of the city for the purpose of street or other railways; Provided, That nothing in this section shall be construed so to deprive any abutting owner from receiving any damage that he may suffer or be put to by the granting of such right of way; to provide for the construction of sewers and drains and for keeping them in repair, and to assess the expense on the property especially benefited thereby, in proportion to the amount of the benefit, or, upon the owners of the abutting property in proportion to frontage; and upon all land drained thereby and which received a benefit; Provided, The City Council may, by ordinance or resolution, provide for the payment of any part of the cost by a general tax, the reasonable cost of such construction, improvement or repairs shall be equally assessed against the property, and shall be a lien thereon, and be enforced in any court having jurisdiction; to take and appropriate private grounds in manner and form provided by law for condemnation, for widening streets or parts thereof, or for extending the same, or for laying out new streets, avenues, squares, parks or promenades, when the public convenience may require it, and to assess the cost and expense pro rata for such improvement upon the property especially benefited thereby; to require parties or their agent owning property within the city to bring the same to a grade or topographical level, by filling or excavating, as shall be neces-

sary, or the city may do the same and have the right of a lien and its enforcement as provided in case of sidewalks, pavements, etc."

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Sec. 2. That Section 10 of Article 5 of said Chapter 5353, Laws of Florida, approved May 25, 1903, be, and the same is, hereby amended so as to read as follows:

"Section 10. The said Board of Trustees shall cause to be kept proper books of account, which shall at all times be subject to inspection by the City Council, and upon completion of the work intrusted to them, the same, with a full report of their actions, shall be turned over to the City Council, who shall examine and audit the same, and cause a copy of same to be published in the city of Live Oak."

Trustees shall cause to be kept books of account.

Sec. 3. That all laws and parts of law in conflict with this act be, and the same are, hereby repealed.

Sec. 4. That this act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5822—(No. 227).

AN ACT to Amend Chapter 5356 of the Laws of Florida, Being An Act to Organize a Municipal Government for the Town of Mayo, and to Provide for Its Government.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 8 of Article 3 of Chapter 5356 of the Laws of Florida be, and the same is hereby, amended so as to read as follows:

Sec. 8. That the Mayor and Town Council, within the limitation of this act, have power by ordinance to levy and collect taxes upon all property and privileges taxable by law for State purposes; to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations to prevent the introduction of contagious diseases into the town, and to make quarantine laws for the purpose, and to enforce the same within

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two miles of the town; to establish hospitals, jails, houses of detention and correction and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to provide the town with water by waterworks within or beyond the boundary of the town; to provide for the prevention and extinguishment of fires, and to organize and establish fire departments; to provide for lighting of the town by gas or other illuminating material or in any other manner; to make appropriations to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair streets, alleys and sidewalks, to erect and establish and keep in repair culverts, sewers and gutters; and to make appropriations for lighting the streets and public buildings and for the erection of all buildings necessary for the use of the town; to have full power and authority to levy and collect any amount of occupational tax on any business they may see fit not to be less than fifty per cent of the State tax; to license, tax and regulate auctioneers, taverns, peddlers, and retailers of liquor or other intoxicating beverages; to license, tax and regulate all privileges taxable by the State; to license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the town; to regulate, license, suppress or prohibit any theatrical or other exhibition, show, circus, parade and amusement; to regulate or prohibit or suppress all gambling houses, bawdy and disorderly houses and obscene pictures and literature; to regulate and license the sale of firearms and to suppress the carrying of concealed weapons; to regulate and establish markets; to provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the town, by day or by night, and for punishment of all breaches of the peace, noise, disturbance, and disorderly assemblies; to pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation; to impose penalties upon the owners, occupants or agents of any house, walk or sidewalk or other structure which may be dangerous or detrimental to the citizens unless after due notice, in the manner to be provided by ordinance, the

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same be removed or repaired; to provide for inclosing, improving and regulating all public grounds belonging to the town, in or out of the corporate limits; to provide for the appointment of a police force, and to impose fines, forfeitures, penalties and terms of imprisonment, at hard labor or otherwise, for breach of any town ordinance, but no penalty shall exceed three hundred dollars, and no term of imprisonment shall be for a longer term than three months for the same offense; to regulate and provide for the construction and paving of streets, and for the construction and repair of sidewalks and foot pavements, and for the construction and repair of sewers and drains and to assess the expense of such construction and paving of streets and of such construction and repair of sidewalks and foot pavements and of such construction and repair of sewers and drains upon the property which shall be especially benefited by the improvement, in proportion to the amount of such benefit, or upon the abutters in proportion to the frontage, or upon the lands thereby benefited; the reasonable cost of such construction and repairs shall be equally assessed against said property, and shall be a lien thereon, and enforced by suit in any court having jurisdiction; to take all appropriate grounds for widening streets or any part thereof, or for laying out new streets or avenues when the public convenience may require it, the same to be acquired by purchase or condemnation, and to assess the cost and expenses of the same upon the property especially benefited thereby in the manner herein last provided in the case of streets, sidewalks, sewers and drains.

Sec. 2. That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Sec. 3. That this act shall take effect from and after its passage and approval by the Governor.

Approved May 27, 1907.

AN ACT to Abolish the Present Municipal Government of the City of Miami, in the County of Dade, and State of Florida; and to Organize and Establish a City Government for the Same; to Prescribe Its Jurisdiction and Powers; and to Authorize the Imposition of Penalties for the Violation of Its Ordinances.

Be It Enacted by the Legislature of the State of Florida:

Abolishment. Section 1. That the existing municipality of the city of Miami, in the County of Dade, and State of Florida, be, and the same is, hereby abolished.

Succession. Sec. 2. That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the municipality of the city of Miami, shall pass to and be vested in the municipal corporation hereby organized to succeed such municipality.

Former obligation, etc., not affected. Sec. 3. That no obligation or contract of said municipality, including the issue or authorized issue of one hundred thousand dollars (\$100,000.00) of city bonds shall be impaired or avoided by this change, but such debts and obligations pass to and be binding upon the new municipality hereby organized or created.

Former officers to continue until general election and former ordinances consistent to remain in force. Sec. 4. That all officers of the existing municipality of the city of Miami, whether elected or appointed, shall continue to hold office during the unexpired term of their respective offices, and to discharge the duties and receive the emoluments thereof, until a general city election is held pursuant to the provisions of this charter; and all ordinances, resolutions and regulations of the city of Miami, regularly passed, promulgated and enrolled, not inconsistent with the provisions of this act, shall remain in full force and effect, until the same shall have been regularly amended, rescinded and repealed.

Proviso. Provided, That all officers of said municipality, including members of the City Council, who were elected at the last general election for four (4) years, shall become va-

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cant at the general election to be held under this charter on the fourth Monday in October, A. D. 1907.

Sec. 5. That a municipality to be called the City of Miami, in the County of Dade, and State of Florida, is hereby created, organized and established, the territorial boundaries of which shall be as follows:

Establishment.

Commencing at the northeast corner of the James Hagan Donation, and running west along the north line of said donation to the west line of said donation; thence go south along the west boundary of said donation or the west boundary produced, to the middle or center of the Miami river; thence go up said Miami river along its center line to a point due north of the west boundary of that portion of the Mrs. Hagan Donation which has been platted by A. L. Knowlton, C. E., for Mrs. Mary Brickell and Henry M. Flagler; thence go due south along said boundary or west boundary produced 5,745 feet, more or less, to the south boundary of Napa Street, now called Twenty-third Street; which said street is also the south boundary of that portion of the Mrs. Hagan Donation, which has been platted; thence go due east along the south boundary of said Twenty-third Street, 1,775 feet, more or less, to the intersection of said street with Broadway Avenue; thence on a course 55 degrees and 40 minutes east, along the south boundary of Broadway Avenue, a distance of 3,100 feet, more or less, to the center of Miami Avenue; thence go in the same direction to the middle of Biscayne Bay; thence go northerly along the middle of Biscayne Bay, to a point due east of the point of beginning; thence go west to the place of beginning.

Territorial boundaries.

That the said municipality, and all the inhabitants comprehended within the territorial limits above described, shall be and are hereby created and constituted a body corporate and politic, under and by the name of the City of Miami, and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, may hold real estate, personal and mixed property, and dispose of the same for the benefit of the city, and may purchase, lease, receive and hold property, real and personal, beyond the limits of the city to be used for the burial of the dead, the erection of waterworks and lighting plants, the establishment of poor houses, pest houses, houses of

Succession.

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detention and correction, for public parks and promenades, for the cremating, neutralizing or otherwise destroying of sewage, garbage and refuse, and for any public purpose that the City Council may deem proper; and may sell, lease or dispose of said property for the benefit of the city to the same extent that natural persons might do; that said city shall have and use a common seal and change the same at pleasure; and within the limitations of this act, shall be obligated and empowered to preserve peace, and maintain good order and justice within its borders, and to that end shall have the power to establish a city police force, to provide a municipal system of revenues and taxation, to ordain rules for the government of the city, and to prescribe penalties for the violation of its ordinances.

Powers of
municipality.

The city shall have power to regulate, improve, alter, extend and open streets, lanes, alleys, parks and avenues; to cause encroachments and obstructions, decayed buildings and ruins to be removed, to construct and operate wharves and docks, drains and sewers, and to make to the parties injured thereby such reasonable compensations, and charge upon those benefited such reasonable assessments as may be agreed upon, and for the purpose of carrying into effect the provisions of this section, the said City of Miami is hereby vested with the powers of eminent domain.

Corporate
authority,
terms of of-
ficers, etc.

Sec. 6. That the government of said city shall be vested in a Mayor, whose compensation shall be fixed by ordinance, to hold office for the term of two (2) years; and a common council to be called the City Council of the City of Miami, consisting of seven (7) members, to hold office for the term of two (2) years; and by such other officers as may be hereinafter designated; and the said Mayor and the City Councilmen shall be legal voters of the City of Miami and elected by the qualified voters thereof; and the members of the City Council shall be elected from the city at large until such time as the city shall be divided into wards by the City Council, and from and after the division of the city into wards by said body there shall be one (1) Councilman elected from each ward and the remainder from the city at large.

The said City Council shall, at its first meeting, under

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this charter, and regularly each two years thereafter, elect from its membership, a committeeman for each of the following departments, to-wit: Finance, Sanitation, Fire Department, Police, Streets and Sewers, Public Buildings, Parks and Docks, who shall have charge, under the City Council, of the public work of the city, properly to be assigned to such departments; provided, that no member of the City Council shall serve as committeeman for more than one department.

Committeemen.

All ordinances, before becoming a law, shall be presented at a regular meeting and read in full. They shall be read a second time, but by a unanimous consent of the Council members present, the second reading may be by title only. The ordinances proposed to be adopted shall lie over until the next regular meeting of the Council or some subsequent regular meeting, and then be read in full. If a majority present vote in favor thereof, on a call of the roll, they shall be adopted. Provided, that the City Council may, when the health or the welfare of the community is in peril, pass any ordinance in conformity to this act, for the protection of the citizens, at any meeting of the said Council, in which event, the three readings hereinbefore provided for may be had in one session.

Adoption of ordinances.

Proviso.

Sec. 7. The said city shall be divided into three wards, to be known and designated as the First, Second and Third wards respectively, which wards shall be laid out and delineated by the City Council at such time as they may deem proper; and the said City Council shall have power to change, alter, abolish, or increase the boundaries, or the number of the said wards, as they may deem best,

Wards.

Sec. 8. The government of the said city shall be carried on by the following officers:

Officers.

- A Mayor,
- A City Council,
- A Municipal Judge,
- A City Marshal or Chief of Police,
- A City Clerk and Collector,
- A City Treasurer and Assessor,
- A City Auditor,
- A City Attorney,

and such other officers as may be created by ordinances of

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the city not inconsistent herewith, and all of said officers shall be qualified electors of the City of Miami, and shall perform such duties and receive such compensation as may be prescribed by the ordinances of the city, not inconsistent with this charter.

Members of Council shall not be personally interested.

Provided.

Members of the City Council shall not be directly or indirectly interested in any contract with said city, nor shall any member vote in said Council upon any question concerning a contract in which he may be so interested; Provided, also, that should any member of the City Council vote upon any contract in which such members may be interested; or should any individual officer of the city let any contract in which he may be interested, such contract shall be void, and such Councilmen or other officers shall be suspended from office.

Duties of Mayor.

Sec. 9. The duties of the Mayor shall be to see that all the ordinances of the said city are faithfully executed, and he is authorized by and with the consent of the City Council, to appoint such police force as shall be necessary to insure peace and good order of the city and the observance of law within the city limits.

Power of Mayor to appoint officers

Provided.

He shall have power to appoint, by and with the consent of the City Council, all officers of the city who are not made elective by this charter except the City Attorney and Chief of Fire Department, who shall be appointed by the City Council; Provided that all such appointive officers shall be residents and qualified electors of the City of Miami; he shall have the power to bid in all property for the city at any and all judicial sales, or sales under process of law, where the city is a party; to make pro tempore appointments; to make appointments caused by death, sickness, absence, or any disability of any city officer, but he shall not have power to fill vacancies in the members of the City Council.

Duty of Municipal Judge

It shall be the duty of the Municipal Judge to hold daily terms of court in such places as may be provided by the City Council for the trial of all persons charged with the violation of any of the ordinances of said city, which trial shall be without jury, and upon conviction of such person or persons, to impose upon him or them such penalty as may be provided by such ordinance.

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He shall have the power to summon witnesses, issue warrants of arrest upon affidavit duly filed, to administer oaths, and do all other acts necessary for the performance of his duty. He shall also have power to punish for contempt of court to the extent of a fine of fifty dollars (\$50), or imprisonment for thirty (30) days, or both. The costs of prosecution in the said court shall be the same as are allowed in the Circuit Court, being taxed against the persons convicted, which costs shall be collected by the Clerk and paid over to the Treasurer.

Duty of
Municipal
Judge.

In case of absence, sickness, or disqualification of the Municipal Judge, the President of the City Council shall have all the powers and perform all the duties of said Municipal Judge during the sickness, absence or disqualification of the said Judge.

In case of
absence or
sickness of
Judge.

Sec. 10. The Municipal Judge, City Clerk and Collector shall be elected by the qualified electors of the City of Miami, and shall hold office for the term of two (2) years. The City Clerk and Collector shall also act as Clerk of the Municipal Court.

Election and
terms of
Judge, Clerk
and Collec-
tor.

The Municipal Judge, Clerk and Collector shall give such bond as the City Council may require and shall perform all the duties imposed upon them by ordinances not inconsistent with the provisions of this charter.

Duties and
bond of
Judge, Clerk
and Collec-
tor.

Sec. 11. There shall be elected by the qualified electors of the City of Miami, a Treasurer and Assessor of said city, who shall hold office for two (2) years, whose duties shall be such as are now or may hereafter be prescribed by ordinance, and who shall give such bond as the Council may direct. Said Treasurer and Assessor shall also act as Bond Trustee.

Treasurer
and Assessor

Sec. 12. There shall be elected by the qualified electors of the City of Miami a City Marshal or Chief of Police, to hold office for the term of two (2) years. His duties shall be prescribed and fixed by the city ordinances, and his compensation shall be fixed by the City Council; he shall be the chief executive officer of the municipal court; and there shall be appointed by the Mayor, by and with the consent of the City Council, such police force as the City Council may deem best; Provided, that the City Council may by ordinance, create and establish a regular police

Marshal and
Chief of Po-
lice.

Proviso.

1907.

department for the said city, and from and after the enactment of such ordinance, the office of City Marshal may be abolished, and the Chief of Police shall be elected by the people to hold office for the term of two (2) years.

Auditor.

Sec.13. The Mayor shall, by and with the consent of the said Council, appoint some suitable person to be called the Auditor of the said city, who shall give such bond as the Council may prescribe, and whose duties and compensation shall be fixed by ordinance, except as herein provided.

City Attorney.

Sec. 14. There shall be elected by the City Council of the City of Miami, a City Attorney, who shall perform all the duties imposed upon him by the provisions of this act, and which shall be prescribed by the ordinances save as herein provided. His compensation shall be fixed by the City Council.

Officers required to subscribe oath.

Sec. 15. All officers of said city shall, before entering upon the discharge of their duties, take and subscribe an oath before some person authorized to administer oaths, that they are entitled to hold the office to which they have been elected or appointed, and shall give bond in such sums as may be required by the City Council, said bond to be approved by the City Council; Provided, The members of the City Council shall not be required to give bond.

Proviso.

Terms of office.

The terms of said officers provided by this charter shall be for two (2) years, or until their successors shall have been duly qualified, unless herein specially provided for; Provided, That the terms of all officers appointed by the Mayor shall terminate with the term of office of the Mayor so appointing.

Proviso.

Mayor may suspend certain officers, etc.

Sec. 16. The Mayor of said city, for good cause, shall have the right to suspend any officer of said city, except members of the City Council; Provided, that at the next meeting of the City Council, after such suspension, the Mayor shall submit to the City Council in writing the cause of such suspension, whereupon said City Council, upon due notice given to the accused, shall inquire into the cause of such suspension; if a majority of the City Council shall sustain the charges preferred by the Mayor, the officer shall be dismissed. The Mayor shall have the right to appoint some person to perform the duties of said

Right to appoint.

suspended officer, until the Council shall have passed upon such suspension. If such suspension is sustained by the Council, the Mayor shall at once appoint a successor to said officer by and with the consent of the Council.

Sec. 17. The City Marshal or Chief of Police, or any policeman of the City of Miami may arrest without warrant any person violating any of the ordinances of said city, committed in the presence of such officer, and when knowledge of the violation of any ordinance of said city shall come to said City Marshal or Chief of Police or policeman, not committed in his presence, he shall at once make affidavit before the Judge or Clerk of the Municipal Court, against the person charged with such violation, whereupon said Judge or Clerk shall issue a warrant for the arrest of such person.

Power of
Marshal and
Police to ar-
rest, and
power of
Judge to is-
sue warrant.

No ordinance granting the right to use the streets or alleys of the City of Miami to any private person or corporation shall become a law, until the same has been approved by a majority of the qualified voters of the City of Miami, voting at an election held therefor.

Right of pri-
vate person
to use
streets.

Sec. 18. All ordinances passed by the City Council shall be submitted, before going into effect, to the Mayor or acting Mayor, for his approval; if approved, he shall sign the same and return it to the City Council at its next regular meeting; if disapproved, he shall return the same with his objections in writing to the City Council at its next regular meeting, who shall cause the same to be entered in full upon the records of their proceedings, with the Mayor's objection thereon, and at said meeting, shall proceed to consider said objections and pass upon same. If upon consideration, the City Council shall pass said ordinances by a majority vote of the members of the City Council, which vote shall be entered upon the records, such ordinance shall then become a law, the Mayor's veto to the contrary notwithstanding. Any ordinance which shall not be returned to the City Council at the next regular meeting after its passage, with a written veto, shall become a law in like manner as if approved by the Mayor or acting Mayor.

Approval of
ordinance by
Mayor.

All ordinances of the City of Miami, before they shall become a law, or take effect, must be published one time in

Publishing
ordinances.

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Publishing
ordinances,
etc.

some daily newspaper published in the City of Miami, providing that nothing herein contained shall prevent the City Council at any time arranging, codifying, adding to or supplementing ordinances of the City of Miami, and publishing the same in appropriate volume or volumes, which shall become the laws of the City of Miami, upon the adoption of said codifications, and codifications not being inconsistent with this charter.

Provided.

Provided, That, upon the presentation to the City Council of a petition or petitions signed by the qualified electors therein, in number equal to ten per cent. (10 per cent.) of the registration asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that said body might itself adopt, it must either adopt such measure without alteration, or submit the same to its electorate at the next succeeding city election occurring subsequent to sixty (60) days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors, in number equal to fifteen (15 per cent.) per cent. of said registration, then such measure, if not so adopted by the said City Council, must be submitted to such electorate at a special election to be called within sixty (60) days from the filing of such petition or petitions. If such proposed measure is a measure that said City Council might adopt except for the fact that it involves the repeal or the amendment of a measure adopted by the electorate as herein provided, and if in such case, said petition or petitions are signed by qualified electors, in number equal to twenty-five per cent. (25 per cent.) of said registration, then such proposed measure must be submitted to the electors of said city at the next succeeding city election occurring subsequent to sixty (60) days after the filing of said petition or petitions.

Adoption of
certain or-
dinances to
be submitted
to the elec-
tors, etc.

Any measure that the City Council or the electorate of the city has authority to adopt, as herein provided, said City Council may submit to a vote of its constituent electors at a general or special election. Except as herein provided, no penal ordinance or measure and no ordinance or measure granting, making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment and contracts

1907.

where the subject matter involved is of less than one thousand (\$1,000.00) dollars, passed by the said City Council shall go into effect in less than forty (40) days after its final passage, but ordinances and contracts declared by the City Council to be necessary for the immediate preservation of the public peace, health or safety, passed by a majority vote of the said Council and not obligating the city for a longer period of time than one year, may go into effect at the will of the City Council adopting the same.

If within said forty (40) days, a petition or petitions signed by qualified electors of the city, in number equal to ten per cent. (10 per cent.) of said registration is filed with the City Clerk asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment), and contracts where the subject matter involved does not exceed one thousand (\$1,000.00) dollars adopted by the City Council, be submitted to said electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next succeeding city election occurring subsequent to sixty (60) days after the filing of said petition or petitions, or at a special election called prior to such general election, and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and such petition or petitions are signed by qualified electors of the city, in numbers equal to fifteen (15) per cent. of said registration, then said ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted, shall be again so submitted, except by a vote of the City Council, or on a petition signed by twenty-five per cent. (25 per cent.) of the said registration.

Certain measures to be referred to the electors upon filing of petition, etc.

If a majority of the votes cast on any ordinance or measure referred as herein provided, to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect ten days after the official count shall be determined, otherwise such ordinance or measure shall be

Votes of electors to be made effective in ten days, etc.

1907.

repealed or rejected. Such repeal shall take effect ten days after the official count shall be determined.

Veto or
repeal of
ordinance.

No ordinance or measure approved by an electorate under the provisions of this section shall be subject to veto, or be amended or repealed except by a vote of the same electorate, or by legislative authority.

Highest vote
controls.

If the provisions of two or more measures approved and adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Pres. to act
as Mayor
during ab-
sence of
Mayor.

Sec. 19. The President of the City Council during the absence or disability of the Mayor, shall act as such Mayor, but while so acting as Mayor, he shall not have the right to act or vote as a member of the City Council, but the City Council shall in such case elect a President pro tem., and in case the Mayor shall be absent or laboring under any disability for more than three (3) days at a time, the acting Mayor shall receive the Mayor's salary for the time of his absence or disability, provided that in event of the absence, sickness, or disqualification of the Mayor and President of Council, the City Council may elect one of its members, who shall be the acting Mayor.

In case of
death, resig-
nation of
Mayor.

And provided further, in case of death, resignation, removal, failure to qualify, non-residence, or physical disability, or in case of failure to elect a Mayor, the President of the City Council or acting Mayor, as above provided, shall discharge the duties of said office until a successor for the unexpired term shall be elected by the people, which election shall be held within sixty (60) days after the happening of a vacancy.

Power of
Council to
pass certain
ordinances,
etc.

Sec. 20. That the City Council shall have the power to make, establish and ordain for the government of said city and the officers of said city, such ordinances in writing and such by-laws and rules of order not inconsistent with this charter, the constitution and laws of the United States, as they may deem necessary; provided a majority of the City Council shall assent thereto. They shall have power to pass all such ordinances and prescribe penalties for the violation thereof, as may be necessary to define, prevent or abate nuisances; to restrain and punish gambling or other disorderly conduct; to prevent the running at large of cattle, horses, dogs, hogs, sheep, goats, and

Powers of
Council by
ordinance.

fowls or other domestic birds, in the streets of the city or in the city limits, and to impound the same; to provide for the establishment of waterworks, electric and other lighting and heating plants, and all other plants necessary for the city, and may make contracts relating to the same, and whenever the same are so established, may provide for the operation and maintenance of the same; to grant municipal franchises to street railways, telegraph and telephone companies; to regulate the speed at which horses and bicycles may be ridden; to regulate the speed at which horses and vehicles of all kinds, automobiles and motor-cycles may be driven through the streets; to regulate the speed at which street or other railways shall run in the city limits; to license privileges, businesses, occupations and professions carried on and engaged in within the city limits, and the amounts of such license and the amount of such license taxes shall be fixed by city ordinance, which amounts of said taxes shall not be dependent upon a general State revenue law.

The City Council shall have power to regulate saloons Saloons, etc. and places where intoxicating liquors, wines and beers are sold, to fix the time for opening and closing such places of business, not inconsistent with the State law, and to prescribe the limits of any portion of the city where intoxicating liquors, wines and beers shall not be sold and to enforce such ordinances by fine or imprisonment.

The City Council shall have power to pass all such or-Health reg-
dinances as may be necessary to establish quarantine and ulations.
health regulations for the City of Miami, not inconsistent with the rules and regulations of the State Board of Health, and enforce same by penalties.

To arrange for and provide for a fire department and to regulate the same so as to protect the city from fire; to organize a city police department, to number drays and fix the rate of drayage; to provide for the inspection of gas, electric light and water meters; to pass and enforce ordinances; to compel stationary steam engines to pass an examination for licenses and to take out license and affixing penalties for failure to do so; to compel the inspection of steam boilers, except locomotive and marine boilers, and to compel employees to employ only licensed stationary engineers, and affix a penalty for a failure to do so; to compel employers, their managers or servants to allow

Powers of
Council.

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Powers of
Council.

inspection of boilers and of affixing a penalty for refusing to do so; to establish hospitals, and in conjunction with the Board of County Commissioners, to establish rules and regulations respecting the poor, indigent, infirm and insane; to provide for the support and fix the conditions upon which such persons coming into said city shall be allowed to remain; to provide for the punishment of persons who may at any time disturb the peace of the city, or violate any of its ordinances, or any of the rules and regulations of the State Board of Health; to provide for the inspection and regulate the sale of milk, meats and fish; to fix and regulate from time to time the salaries of the officers and employees of the city, except as herein otherwise provided; to compel property owners or occupants to connect with the city sewers, and to do or regulate any other matter or thing that may tend to promote the health, welfare, prosperity and morals of the city, and for carrying into effect the aforesaid powers; to prohibit and suppress all bawdy houses and disorderly houses; any exhibition, show, circus, parade or amusement contrary to good morals, and all obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories dangerous in increasing or producing fires, and license the sale of firearms; to regulate the storage of gunpowder, tar, pitch, resin, saltpeter, coal-oil, or other combustible, explosive and inflammable material, and the use of lights, candles, lamps and steam pipes in all stables, shops and other places; to regulate and suppress the sale and use of firecrackers and of other fireworks, toy pistols, air guns and sling shots.

Inspection.

To provide for and regulate the inspection of beef, pork, flour and meal and all other provisions and oils.

To regulate the inspection of butter and lard; to regulate the testing of meats, poultry, fish, fruit and vegetables.

Powers of
Council.

To establish and maintain markets and to provide for the arrest, imprisonment and punishment of all vagrants and all riotous and disorderly persons within the city by day or by night and for the punishment of all breakers of the peace; and to disperse all disorderly assemblies on all Sundays or secular days; to pass all ordinances necessary to the health, convenience, comfort and safety of the

citizens, and to carry out the full intent and meaning of this act, and accomplish the objects of this intended corporation to impose penalties for the violation thereof. 1907.

To impose penalties on the owners, occupants or agents of any walks or sidewalks, or any other structure or place, or any other place which may be dangerous or detrimental to the citizens or their property, unless after due notice, the same may be remedied or removed. To provide for the inclosing, improving and regulating of public grounds belonging to the city, within or without the corporate limits; to provide for the imprisonment of offenders against the ordinances at hard labor on the streets or other work to be designated by ordinance, unless the fines and costs attached against them by judicial authority are paid. Powers of Council.

The Council shall determine by ordinance the amount to be credited to such persons on account of fine and costs for each day's work performed. The City Council shall have power by ordinance to appropriate money for the payment of debts and expenses of the city and also for debts of the municipal corporation of which said City of Miami is successor, under this act. Provided, that no costs in criminal prosecutions shall be taxed against the city, or paid by the City Council. Powers of Council.

To license, tax and regulate hackney carriages, cars, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the city and to the public works beyond the limits of said city. Wagons, drays, cars, etc.

All vacancies in terms occurring in City Council shall be filled by the vote of a majority of the remaining members of said City Council. Said City Council shall judge of the election and return of its own members, and prescribe rules for the determination of contested elections and to prescribe rules and regulations for the government of its own members. Vacancies.

The City Council shall have the right to prescribe penalties for breaches of all or any of its ordinances or any section thereof by fines and imprisonment in the city jail, and to force the collection of fines by attachment summarily against the property of the delinquent, if the same can Penalties.

1907.

be found, provided that the penalty enforced shall in no case exceed imprisonment for ninety (90) days or of a fine of two hundred (\$200.00) dollars. They shall have power to remit fines and commute sentences imposed by the Municipal Judge, and in addition to the powers hereinbefore enumerated, the City Council shall have all the powers and perform all the duties imposed upon them by the laws of Florida now in force, or which may be hereafter enacted, providing for the government of cities and towns, not inconsistent with the provisions of this act; and the Mayor, Municipal Judge, City Marshal, or Chief of Police, Clerk and Collector, Treasurer and Assessor, and other officers, shall have all the powers and perform all the duties imposed upon them by general laws.

Fire Protection.

Provided.

The City Council shall have the power to fix and establish a fire limit within said city, and to prescribe rules and regulations for the erection and repair of buildings in said city; Provided, That the fire limit as established in the municipality to which the municipality hereby organized is a successor, shall not be decreased, except by the unanimous consent of all persons owning property in any block to be taken from such fire limits.

The City Council shall also pass such ordinances as may be necessary to protect and preserve peace and order upon all property owned, leased, managed or controlled by said city, outside of the city, and enforce the same by penalties.

Board of Equalization, etc.

The City Council shall have power to equalize tax assessments, for raising or lowering tax assessments, and shall sit as a board of equalization; to have exclusive power and control of the construction, repair, grading and improving of all streets, alleys, avenues and lanes, public wharves, landings, market houses, spaces, bridges, sewers, trenches, ditches, culverts, canals, streams, water-courses, dock-lines, and the estimation of such dock-lines, sidewalks, curbing, public buildings and to fix and establish the grades of all streets, avenues, alleys and thoroughfares.

Pub. buildings, etc.

Said Council shall have exclusive power, supervision and control over the construction and repairing of all public buildings and all public improvements of the city.

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Sec. 21. Whenever any street, park, alley or other highway which shall have been heretofore or may hereafter be paved, graded, curbed, laid out, opened, repaired or otherwise improved by the City of Miami, except sidewalks, including works and improvements now in process of construction, or whenever such park, street, alley or other highway shall have been or may hereafter be paved, graded, laid out, opened, repaired or otherwise improved, except sidewalks, or whenever any sewer or drain shall have been heretofore or may hereafter be constructed or repaired, in the City of Miami, the City Council shall, as soon as the cost of such improvement shall have been ascertained, assess against the abutting property, two-thirds of the cost of such improvement, in proportion to the length of such abutting property on such street, also the park or highway so improved, provided, that when the sewer is laid, no greater amount of the cost thereof shall be assessed against the abutting property than two-thirds of the cost of laying an eight-inch sewer; *Provided*, further, that the entire cost of improvements at the intersection of streets shall be paid by the city.

Sec. 22. All such assessments for such improvements heretofore made, or which may hereafter be made, including those now in process of construction, shall constitute a prior lien to all other liens, except taxes, and those for construction or repair of sidewalks, with which liens they shall have equal dignity upon the real estate assessed. The amount of said assessment shall bear interest at a rate not greater than eight (8) per cent. per annum, to be fixed by the City Council from the date of the issuance of the certificate of indebtedness hereinafter provided, and shall be payable in one year, but the owner of the estate so assessed shall have the right to pay such assessment with accrued interest at any time before suit, and the certificate issued against the property shall thereupon be released and canceled. If suit has been instituted and payment is tendered after suit, the costs and attorney's fees herein provided for must be included in the amount so paid.

Sec. 23. When at any time the City Council of the said city shall decide to pave, grade, curb, lay out, open, or otherwise improve any street, alley, park, or public highway, or any part thereof, or to construct any sewers, the

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Improving
the streets
by contract,
etc.

said City Council shall pass a resolution or ordinance, ordering the same done, and thereupon, the City Council shall advertise for bids once in a daily newspaper published in the City of Miami, for making such improvements. Said advertisements shall contain, among other things, a description of the material to be used, width of paving, if the street is to be paved, and shall designate with reasonable certainty the limits within which such work is to be done, and the nature thereof, in which advertisement the City Council may reserve the right to reject any and all bids. In advertising the street paving, the City Council may, within their discretion, advertise for bids on grading, curbing, paving and enter into separate contracts therefor. Whenever the City Council has accepted any bid or bids for any of the said above mentioned improvements, as soon as the said improvements have been completed under the terms of said contract, and the same have been accepted by the City Council after duly advertising and giving a public hearing hereinafter mentioned, the said City Council at its next regular meeting, or at a special meeting called for this purpose, prior to the regular meeting, shall assess two-thirds of the cost of the same against the property abutting on each side of said street, alley, park, or other public highway, in proportion to the frontage on said street, alley, park or other public highway; provided that in any street where there may be a street-railroad or other railroad track or tracks, two-thirds of the amount of the cost of any such improvement on the said street required to be paved by the said railroad, shall be deducted from the amount assessed against the abutting property.

Certificates
of indebted-
ness.

Sec. 24. The City Council, as soon as said assessment is made, shall issue certificates of indebtedness for the amount so assessed against the abutting property, a separate certificate to be issued against each tract of land assessed, containing a description of the improvements and the amount of the assessment, together with the general nature of the improvements for which the assessment was made and the date thereof. Such certificate shall be payable to bearer in one year with interest to be fixed by the City Council at a rate not greater than eight (8) per cent. per annum, payable annually from the date of the issuance of the certificate of indebtedness, the payment

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Certificates
of indebted-
ness.

of which said certificate and annual interest shall be guaranteed by the City of Miami, and in case of non-payment of annual interest or principal at maturity, by the property owner, the same shall be redeemed by the city at the option of the holder thereof, but such redemption by the city shall not discharge the lien or assessment against the abutting property, and in case of non-payment of interest, it shall be optional with the holder thereof to consider the whole of said principal sum expressed in said certificate as immediately due and payable with interest to date. The certificates, when issued, shall be turned over to the City Treasurer, who shall sell or dispose of the same in payment of such work or improvement, or for cash at his discretion, and all certificates or indebtedness constituting a lien upon abutting property, shall be payable at the City Treasury of the City of Miami.

Powers of
Council by
resolution.

Sec. 25. The City Council shall have the power by resolution to prescribe the width of every sidewalk in said city and the materials of which the same shall be constructed. They shall also have power on such notice as may be prescribed by resolution, to require owners of property to lay, construct, or repair sidewalks in front of their property, and if the owner shall not lay, construct or repair the same within the time limited in the resolution, the City Council shall have the same done and shall assess such cost against the abutting property for paving or for other improvements, which assessment shall be payable in one year and shall bear interest at a rate not greater than eight (8) per cent. per annum. to be fixed by the City Council, for which assessment, certificates of indebtedness shall be issued in the manner herein provided for the issuance of certificates of indebtedness in other cases, and said assessment, when so made, shall constitute a lien prior to all other liens, except taxes and those for work or other improvements hereinbefore provided for, with which they shall be of equal dignity, upon the property in front of which such sidewalk shall have been laid, from the date of said assessment, which lien shall be enforced in the manner herein provided for the enforcement of liens in other cases; Provided, however, that the owner of the property abutting the sidewalk shall have the option to pay the entire amount of assessment in cash upon notice of his intention so to do, given before the completion

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Notice of
costs of im-
provements
to be pub-
lished., etc.

of the work, in which event, the certificates heretofore issued for said assessment shall be redeemed and canceled.

Sec. 26. In all cases provided in this act for the paving, grading, curbing, laying out, opening, repairing, or otherwise improving streets, parks, alleys, or other highways within the limits of the City of Miami, including the laying, constructing or repairing of sidewalks, in front of any property within the limits of the City of Miami, as soon as said work shall have been completed, and prior to its acceptance by the City Council in the event the same is done under contract, said City Council shall cause to be published once in a daily newspaper in Miami a notice of the completion of said work, which notice shall contain a statement of the total cost of the work and of the total frontage of lots liable to liens therefor, and the amount of lien per front foot claimed by the city, but in such said notice, the names of the owner or owners or other persons interested in said land need not appear, but only a sufficient description of the lands as to make it capable of identification shall be necessary, and such notice shall set a time for a hearing of all complaints which the owner or owners or other persons interested in such improvements may desire to make against the cost of such improvements. After the date of such hearing, if no legal reason is shown why the cost of the said improvements shall not be assessed as provided by this act, the City Council shall, after the acceptance of said work, in the event the same is done under contract, assess the said cost against the abutting property in the manner hereinbefore provided.

Street Im-
provement
Lien Book,
treatment
of
certificates,
etc.

Sec. 27. As soon as practicable and within thirty (30) days after the issuance by the City Council, of any certificate of indebtedness, as herein provided, the City Council shall cause to be entered in a book kept for that purpose, known as the Street Improvement Lien Book, the date of each certificate, the lot upon which the lien is claimed, the amount or amounts due, according to the terms of said certificate, and when due, and such other information as the Council shall deem advisable. Upon the payment of any certificate so entered in said Street Improvement Lien Book, the holder of such certificate shall produce the certificate for cancellation, and it shall be the

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duty of the Treasurer to at once make a memorandum thereof in a book to be kept for that purpose, showing the date of such payment, the number of the certificate and the property on account of which said payment is made, and he shall at once certify such facts to the City Clerk and the said Clerk shall make entry of such facts in the Street Improvement Lien Book. But the said Treasurer shall not receive any payment on account of any certificate which is not in full payment of principal and interest of the installments at the time due and payable, nor shall he receive any payment on account of any certificate upon which suit has been instituted under the provisions of this act, and notice thereof has been given to him by the attorney representing the complainant.

Treatment
of certifi-
cates, etc.

Sec. 28. In no event shall the amount or validity of the lien or certificates of indebtedness as provided for by this act be questioned in any direct or collateral proceeding instituted more than six (6) months after the issuance of such certificate of indebtedness by the City Council of the City of Miami. Upon any suit brought to enforce such lien or collection of the amount due upon any such certificate of indebtedness, a copy of the entry of such lien in the Street Improvement Lien Book, duly certified by the City Clerk, under the corporate seal of the city, or the original certificate of the indebtedness issued on account of such lien, shall be and constitute prima facie evidence of the amount and existence of the lien upon the property described, and in all cases mentioned in this act, where the City of Miami has acquired or may hereafter acquire liens for improvements, such liens, or any of them, may be enforced in the following manner, by the said city, or in the name of the said city, by the holder thereof:

Enforcement
of liens.

First, by a bill in equity.

Second, by a suit at law.

The bill in equity or the declaration shall set forth briefly and succinctly, the issuance of the certificate of indebtedness issued on account of such lien, the amount thereof, and the description of the property upon which such lien has been acquired and against which such certificate of indebtedness was issued, and shall contain a prayer that the owner shall be compelled to pay the

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amount of said lien, or in default thereof, that the said property shall be sold to satisfy the same, but the judgment or decree obtained in such suit shall not be enforced against or be a lien upon any other property than that against which the assessment was made, and any decree or judgment as the case may be, for the enforcement and collection of the amount for which such lien is given.

Enforcement of liens, parties to the suit, etc.

Sec. 29. In the proceedings provided for in the preceding section, the owner or owners of the land, if they can be ascertained, shall be parties defendant. If the owner or owners can not be ascertained, after diligent inquiry, the proceedings shall be against the property on which the lien is named, without mentioning any party as defendant. In such case, certificates shall be had by a notice of the institution of said suit for the enforcement of such lien, by advertisement in a daily newspaper published in the City of Miami, once a week for four (4) consecutive weeks. In all proceedings to enforce said liens, or any of them, save in cases where the owner or owners can not be ascertained, service shall be made in the same manner as is prescribed by law for services in other cases. In such proceedings, appeals and writs of error may be taken to the proper appellate court, as in other cases. The proper appellate court shall, on the motion of either party, advance such causes out of their regular order, and try and determine the same as early as possible.

No warrant issuable unless money is in Treasury.

Sec. 30. No officer of the City of Miami shall draw a warrant on the Treasurer of said city, unless the money, to meet said warrant is actually in the hands of the Treasurer at the time it is drawn.

Incurring of indebtedness.

Sec. 31. It shall be unlawful for the City of Miami, in any one year, to incur any indebtedness in excess of the appropriation for said year, except as provided in this charter.

Authority to borrow money.

Sec. 32. Upon the affirmative vote of a majority of the City Council and the consent of the Mayor of the city, the said city is hereby authorized at any time to borrow money to the extent of one-half of the amount of taxes in any one year, and to issue as evidence of indebtedness for the money borrowed, revenue bonds, which bonds shall be signed by the Mayor of the city and attested by the City

Bonds.

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Clerk under the seal of said city. Said bonds shall be issued separately against any or all funds for which taxes are assessed, and when issued against any fund, the amount realized from the loan on said bonds shall be carried and credited to the fund against which said bond was issued; that said bonds shall be issued in serial numbers, beginning with the number one (1), as against such separate fund, and the holder of said bonds shall have a first lien upon the uncollected taxes to the extent of the amount borrowed, and as against each fund for which said bonds were issued, and as the taxes are collected, the bonds shall be paid in the order in which they were issued out of the fund against which said bonds were negotiated. No revenue bonds shall be issued for a longer time than six (6) months, and shall bear such interest not to exceed six per cent. (6 per cent.) as the City Council may fix.

Bonds.

Sec. 33. That the City of Miami shall have power to issue and sell bonds for municipal improvements to the amount of fifteen (15) per cent. of the assessed valuation of all real and personal property within the city limits, as shown by the city assessment roll for the fiscal year: Provided, the issue and sale of such bonds are ratified by two-thirds of the qualified voters of said city, who shall be owners of real estate within said city, at a special election called and held for that purpose. Whenever it shall be deemed advisable to issue bonds of the City of Miami for any of the following purposes, to-wit: For raising money to be used in purchasing, constructing and maintaining waterworks, for the purpose of purchasing, constructing and maintaining gas works or an electric light plant; for the purpose of purchasing, constructing, maintaining and operating street railways and telephone systems; for the purpose of constructing and maintaining a system of sewerage or otherwise promoting the health of the city; for the purpose of constructing, maintaining and operating a furnace or other device for destroying sewage and garbage; for the purpose of opening, widening and paving the streets and sidewalks of the city, and for opening, constructing and maintaining public parks, promenades and public wharves or docks, whether located within or without the city limits; for the purpose of erecting public buildings; for the purpose of erecting school houses and maintaining a system of public education; for

Bond issue.

Proviso.

1907.

Bond issue.

the purpose of establishing and maintaining a fire department in said city; for any one or more of said purposes, the Mayor and City Council of the City of Miami are hereby authorized to issue bonds of the said city under the seal of the corporation, to the amount above limited, signed by the Mayor, countersigned by the President of Council and attested by the City Clerk, with interest coupons attached, signed in like manner; Provided, however, that before the issue of said bonds, the issuance thereof shall be ratified and approved by an affirmative vote of two-thirds of the electors who are owners of real property in the city, voting at an election to be called and held for that purpose, which election shall be regulated by ordinance setting forth the manner of conducting and certifying the same, after the same has been advertised in a daily newspaper published at Miami once a week for a period of thirty (30) days, and at which election only resident voters, otherwise qualified, who shall also own property within the city limits and who shall have paid taxes thereon for the year, when such taxes were last due, shall be entitled to vote.

Bond issue.

The bonds issued under this act shall be of denominations of one thousand (\$1,000.00) dollars, or five hundred (\$500.00) dollars each, in the discretion of the City Council, bearing a rate of interest not to exceed six (6) per cent. per annum, payable semi-annually, at such time and place as the City Council may direct; and to be due in not less than five (5) nor more than thirty (30) years from the date thereof, as the City Council may determine; and such bonds shall be sold in no case at a greater discount than five (5) per cent. of their par value. All city bonds to be payable in gold coin of the United States of standard weight and fineness, or its equivalent. The proceeds arising from the sale of said bonds shall be paid to the City Treasurer, and shall not be diverted from the purposes for which the same were issued. And the City Council of the City of Miami is hereby authorized and required upon the issuance of such bonds to levy a special tax, not to exceed ten (10) mills upon the real and personal property of the City of Miami, for the purpose of paying interest upon said bonds; as well as a special tax upon the real and personal property within the city not

to exceed six (6) mills as a sinking fund for the future redemption of the principal of said bonds.

Sec. 34. Any person who shall possess the qualifications requisite to an elector at general State elections, and shall have resided in the city six (6) months next preceding the election, and shall have been registered in the municipal registration books that shall be prescribed by ordinance, shall be a qualified elector of that city; and all elections held in said City of Miami shall be conducted and held in accordance with the provisions of the election law of the State of Florida, but the City Council shall be substituted for the Board of County Commissioners.

Sec. 35. There shall be held in the City of Miami on the fourth Monday in October, A. D. 1907, and biennially thereafter, an election, at which said election all elective officers of the City of Miami shall be elected, and the said City Council shall, by ordinance, prescribe the manner of holding both general and special elections, not inconsistent with the provisions hereof, and shall provide registration for such persons residing in said city, and said City Council shall also, by ordinance, prescribe polling places in the various wards of the city, when such wards shall have been established; Provided, that in all elections, general or special, in the City of Miami, each and every political organization that had a ticket voted for at the last State and county election, and which organization or political club that had a ticket voted for at the last general city election, to the extent of not more than three (3) altogether, of such organizations and clubs, shall have a representative on the Board of Inspectors, at each voting place in said city election, which representative shall be selected by the county, central or executive committee of such organization, in case it has no city committee, and by the city committee of the same, if one exists, and by such political club having a ticket voted for at the last political election, and shall be by such committee or club, as the case may be, presented to the City Council at least fifteen days before any general or special election of said city, and the name or names of the person so selected by said organization or clubs, and to the extent of not more than three (3) altogether, as aforesaid, shall be named by said City Council as inspectors as aforesaid, of said election.

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**Assess-
ments.**

Sec. 36. All the property within the city, taxable for State and county purposes, shall be assessed and listed for the purpose of taxation on the city tax assessment roll, and railway and railroad companies, including street railways, shall be subject to assessment and taxation on all real estate and personal property owned by them, within the limits of the corporation, in the same manner and at the same ratio and valuation as other property, save and excepting the roadbed and rolling-stock of said railroads, which shall be assessed by the Comptroller, as now provided by law.

**Duty of
Assessor.**

And it shall be the duty of the Tax Assessor, between the first Monday in January and the first Monday in June, of each year, to ascertain by diligent inquiry, all taxable property, both personal and real estate, in the City of Miami, and the names of the persons owning the same on the first Monday of January, in each year, to make an assessment of all of such taxable property.

**Duty of
Assessor.**

He shall visit and inspect all real estate and the improvements thereon, and fix a valuation on the same, and shall require the owners of personal property to return a value on same, under oath, but in case the owners of personal property neglect or refuse to return their personal property, the Tax Assessor shall assess the same, fix a valuation thereon, and any person or persons refusing to make such returns under oath, shall not be permitted afterwards to reduce the valuation of such Tax Assessor, on his personal property for that year. The Tax Assessor is hereby authorized to administer oaths to all persons returning their personal property, provided, that the valuation of property, both real and personal, fixed by the City Tax Assessor, may vary from, or exceed the last valuation thereof by the State for taxation, but shall not exceed the actual cash value of said property.

**When to
assess as
unknown.**

Sec. 37. All property, both real and personal, shall be assessed to the owner thereof, and if the owner is unknown, and after particular effort the Tax Assessor fails to ascertain the owner thereof, the same may be assessed as unknown.

Sec. 38. That said Tax Assessor shall set down in the assessment roll, in the separate column provided therefor, according to the best information he can obtain :

First, the name of the owner, if known, and if not known, "unknown," and a description of each tract or parcel of land, specifying under appropriate head the number of lots and blocks and additions or subdivisions of said city in which the land lies, according to the plat on file in the office of the Clerk of the Circuit Court of Dade County, Florida, and in case the land is not platted, then, by subdivision of the United States survey, or fractional parts thereof, and the value of each and every lot or subdivision separately.

Manner of
assessing
property by
Assessor.

Second, he shall value and assess separately the improvements of each lot, piece or parcel of land so assessed.

Third, he shall assess separately all personal property, consisting of horses, cattle, mules, watches, silverware, money in possession or at interest, capital invested in trade, including dogs, household and kitchen furniture and all personal property whatsoever.

Assess-
ments.

Sec. 39. If the Tax Assessor shall discover that any land in said City of Miami was omitted in the assessment roll of either or all of the three (3) previous years, and was then liable to taxation, he shall, in addition to the assessment for such land for that year, assess the same separately for each year or years they may have been omitted at the just value thereof, in each year, noting distinctly the year in which omission occurred, and such assessment shall have the same force and effect as it would have had if made in the year when the same was omitted, and taxes shall be levied and collected thereon in like manner and together with the taxes of the year in which the assessment was made, but no land shall be assessed for more than three (3) years' arrears of taxes, and all such lands shall be subject to such taxes omitted, to be assessed into whomsoever's hands they may come.

Treatment
of omitted
assessments.

Sec. 40. It shall be the duty of the Tax Assessor to complete the assessment roll on or before the first Monday in June of each year, and on said day, the Tax Assessor shall meet with the Board of Equalization of said city at the office of the Clerk and Collector, for the purpose of reviewing the city assessment roll, and shall continue such review for ten (10) days, or as long as may be necessary for that purpose, and on the request of such person considering himself aggrieved, if such person shall

Equalization
of assess-
ments.

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not previously have made oath as to the value of the personal property assessed to him pursuant with this section, the Assessor may, under oath, reduce the assessment made to such person, in the sum specified in such oath.

**Equalization
of assess-
ments.**

The Board of Equalization shall meet at the office of the Clerk and Collector on the first Monday in June of each year, for the purpose of hearing all persons who may consider themselves aggrieved, and may recommend the alteration of the assessment of any real estate or personal property; and for the purpose aforesaid, the Board of Equalization shall sit for three (3) days or longer if necessary; Provided that should the Board of Equalization increase any value fixed by the Assessor, they shall give ten (10) days notice to the owner or agent of such real estate or personal property of said increase.

**Right to
levy taxes
for certain
purposes.**

Sec. 41. The City of Miami shall have the right to raise by taxation such amount as may be necessary for the carrying on of the government of said city, not exceeding ten (10) mills on a dollar, of the taxable cash value of all the property in said city, both real and personal, and in addition thereto, shall have the right to levy such additional taxes as may be necessary to pay the interest on the outstanding bonds of said city and on such additional bonds as said city may from time to time issue, in accordance with law; and also to provide a sinking fund for the redemption of said bonds, when the same mature, and shall have the right to levy such additional taxes as may be necessary to pay for the lighting of said city and hydrant rentals, and for the operating of said city water-works, gas plants and electric lighting plants as the city may construct or acquire.

**Estimate of
Council of
the amount
for each de-
partment to
be sub-
mitted to
the Mayor,
etc.**

It shall be the duty of the City Council at their next meeting after having been notified of the amount of the sum total of the taxable property in the City of Miami, to ascertain the amount of money needed for each department, which said estimate shall be submitted to the Mayor of the city, and he shall have the right to increase or diminish the appropriation for any department. The Mayor shall then return said estimate to the City Council, and the City Council shall not have the right to change any item in the estimate of the Mayor, except by a two-thirds vote of the Council. The Council shall then make a levy, in accordance with said estimate, and no part of the money

raised by taxation shall be diverted from the object for which it was raised, except by the consent of the Mayor and a majority of the City Council.

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Sec. 42. In addition to the amount levied for taxation already provided for, the Council shall levy each year not more than three (3) mills on the dollar on the taxable property of the City of Miami for the purpose of repairs and internal improvements, which tax, when collected, shall be used and expended by the Council for repairs and general improvements of said city, and in addition thereto, the said city is authorized to levy a special tax not exceeding one-half mill on each dollar for the purpose of establishing and maintenance of a public hospital in said city.

Tax for repairs and internal improvement.

And for a public hospital.

Sec. 43. It shall be the duty of the Tax Assessor, immediately after the assessment of the property of the city has been corrected, and the amount to be raised for the various purposes hereinbefore mentioned has been determined, to calculate and carry out the sum total of the several amounts of said taxes in a column provided for that purpose in the assessment roll, which roll shall be made in duplicate, setting down opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed for taxes thereon in dollars and cents, rejecting all fractional parts of a cent.

Duty of Assessor in completing assessment roll.

He shall also add up all columns of the assessment and taxes contained in the assessment roll and make thereon such recapitulatory tables as may be required by the City Council, and he shall then attach to each assessment roll the following affidavit, to-wit:

State of Florida, County of Dade, City of Miami:

Personally appeared before me, _____, Assessor of Taxes for the City of Miami, who, being duly sworn, says the foregoing assessment roll contains a true statement and description of all real and personal property in the City of Miami subject to taxation, or liable to be assessed therein, and that the valuation so far as were made by him, were just and correct.

Affidavit of Assessor.

Sworn to and subscribed before me, this _____ day of _____, 19—;

and shall have the same completed by the first Monday in October of each year, or as soon thereafter as practicable,

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Duty of
Council re-
garding roll.

at which time the said City Council shall examine the said assessment rolls, and if found to be correct, shall so certify thereon, which certificates shall be signed by a majority of the members of the City Council. And the City Council shall then direct the Collector of Taxes to then proceed on the first Monday of November in each year, to collect said taxes, or as soon thereafter as said assessment roll shall be completed.

Sec. 44. The City Council shall direct the Tax Collector to collect said taxes by attaching to the assessment roll the following warrant, to-wit:

State of Florida:

Warrant of
Council to
Collector.

To _____, Tax Collector of the City of Miami: You are hereby commanded to collect from each of the persons and corporation named in the annexed roll, and of the owners of real estate described therein, the taxes set down in said roll opposite their names and to the several parcels of land therein described, and in case any person or corporation upon which any tax is imposed, shall refuse or neglect to pay the same, you are to do with such taxes as prescribed by the charter of the City of Miami, and you are further required to make all collections on or before the 31st day of March, next, on which day you will have a final report to and settle with the City of Miami.

Given under our hands and seal of the city, this the ____ day of _____ A. D. 19____.

President of the City Council.

Attest:
(City Seal)

City Clerk.

When taxes
due, etc.

Sec. 45. All taxes shall be due and payable on the first day in October in each year, or as soon thereafter as the assessment roll is approved by the City Council and their

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warrant attached thereto and handed to the Collector of Taxes for collection, and the Collector of Taxes shall give notice that the taxes are then due, and all taxes remaining due and unpaid on the 31st day of March thereafter shall bear interest at the rate of twelve (12) per cent. per annum and shall be added to the taxes collected.

Sec. 46. The City Collector of Taxes shall not make sales of real estate for unpaid taxes and assessments; he shall have the power to issue distress warrants and alias and pluries distress warrants in the name of the State and city; to enforce the collection of taxes on property and privileges. Such warrants may be executed by the City Marshal or Chief of Police, or any constable or sheriff. Taxes and assessments on real estate shall be made and remain a lien upon the property assessed, superior to all other liens or claims, except State and county taxes, until the same shall be paid. Such liens may be enforced as other liens. All unpaid taxes and assessments may be collected by suits in either courts at law or in equity. The costs of all suits and proceedings for the collection of unpaid taxes and assessments, including an attorney fee of five (\$5.00) dollars, which said attorney fee shall be taxed as part of the costs in the case, and shall be collected by the City Attorney and paid into the city treasury when collected, together with the amount of taxes collected by said foreclosure suit. Provided, however, that no lien shall be foreclosed for taxes, until said taxes shall have been due for twelve (12) months, but that said taxes shall bear interest from the date when they became due, at ten (10) per cent. per annum until collected, and that it shall be the duty of the City Attorney, when said taxes are due and unpaid for a period of one year, to file bill in equity to enforce the lien above described, and to collect said taxes, interest and attorney's fee as above designated.

Collector shall not make sales for unpaid taxes, etc., but shall have power to issue distress warrants, etc.

Liens.

Unpaid taxes may be collected in suits at law, etc.

Proviso.

Sec. 47. If the taxes on any real estate shall not be paid before the 31st day of March next, after the tax roll shall have come into the hands of the Collector of Taxes, he may at any time thereafter make from the assessment roll a separate copy of any assessment thereon remaining unpaid, showing the assessment of any lot, parcel or tract of land as the same then appears upon the city tax assessment roll, which he shall certify to be a true and cor-

Duties of Collector.

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Prima facie
evidence.

Provided.

Duty of
City Attor-
ney, etc.

rect copy from the city tax assessment roll of the lot, parcel or tract of land therein described and deliver the same to the City Attorney or Solicitor for collection, which certified copies shall be prima facie evidence of the contents of the assessment roll and of the levies made thereon in all suits to enforce the payment of, or the lien for, such taxes as may appear from said copies; Provided, That all uncollected taxes on real estate remaining in the hands of the Collector of Taxes shall be so certified to the City Attorney and the said certificates noted upon the tax roll by the Collector of Taxes not later than the tenth day of May of each year. The City Attorney or Solicitor shall search or cause to be searched the public records of Dade County, to ascertain the names of all persons owning, having interest in or living upon said lands, and in the suits brought for the enforcement of said liens for taxes, he shall make all persons appearing upon said records to be owners or interest in said real estate or liens thereon parties defendant; and whenever service is sought to be had in such suit upon any defendant by publication, the notice shall contain a description of the land upon which the tax lien is claimed: The names of any person other than the owners of said real estate may, at the discretion of the City Attorney or Solicitor, be omitted from the list of defendants, but no person having an interest in said property or a lien thereon, apparent upon said records and not brought into court as a defendant, shall be, until so brought into court deprived of his interest therein. The interest of all persons not apparent upon said public records shall be foreclosed by such suits without their being named or served as defendants; upon the collection of all the moneys due the city after the same shall have been placed in the hands of the City Attorney or Solicitor, the payment shall be made, first, all court costs, including Clerk's, Sheriff's, master's, and advertising fees; second, the amount due the city for taxes and interest; and last, the Attorney's or Solicitor's fees for services rendered in connection with the collection of such taxes; Provided, In no case shall the city be liable for such attorney's fee.

Provided.

Provided.

Provided, furthermore, That in the case of foreclosure, the owner of the property upon which the tax lien is foreclosed shall be allowed one year in which to redeem said

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land from said sale by paying to the City Tax Collector the amount of said tax, interest, costs of court, attorney fees and other expenses accruing in said foreclosure proceeding, together with the sum of twenty-five per cent (25) interest from the date of said foreclosure sale to the date of redemption. In case the said property is not redeemed within the twelve months herein designated for the making of said sale, then, in such event, the said sale shall become absolute.

Sec. 48. Nothing in this charter contained shall invalidate or make void any proceeding already had or taken or to be hereafter had or taken for the assessment for the year 1907, but the said assessment for the year 1907 shall be completed as far as practicable, in accordance with the provisions of this charter; and the City Council shall have power, by ordinance, from time to time to provide for the correction and validation of erroneous assessments and defective assessments, but it shall not have the power to raise or lower any assessment of property, real or personal, nor consider any petition therefor, except in the case of error; and no assessment heretofore made or hereafter to be made shall be deemed invalid by reason of any mistake, omission, defect, or irregularity or failure to comply strictly with the terms of this act, or by reason of any failure to describe the owner; Provided, always, That the assessment roll describes the property assessed with sufficient certainty to render it capable of identification, and indicates the value thereof, and the amount of taxes due thereon.

Assessment for the year 1907.

Proviso.

Sec. 49. All personal property levied upon by a distress warrant, alias or pluries, as provided in this charter, shall be advertised once a week for four weeks, and sold at public outcry to the highest bidder for cash, in front of the courthouse door, between the legal hours of sale on any legal sales day.

Property levied on to be advertised and sold, etc.

Sec. 50. No suit shall be maintained against the city for damages arising out of a failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street or other public place, unless it shall be made to appear that the damage alleged is attributable to negligence of the city, and that written notice of such damage was, within thirty days after the receiving of the injury alleged,

No suit shall be brought for certain damages against city, etc.

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given to the City Attorney with such reasonable specifications as to time and place and witnesses as would enable the city officials to investigate the matter; and no verdict shall in any suit be given for an amount exceeding compensative damages to the plaintiff directly attributable to such negligence on the part of the city, and contributory negligence on the part of the plaintiff shall defeat all recovery against the city. It shall be the duty of the City Attorney, upon receiving any such notice, to at once investigate the matter and lay the facts, supported by the evidence, before the City Council in a written report, and the City Council shall have the right, and upon the written request of the person injured, it shall be the duty of the City Council to investigate the matter, and it may, by resolution, make such reasonable settlement of damages as may be agreed upon between the City Council and the person so damaged.

Construction
of act.

Sec. 51. Nothing in this act shall invalidate or make void any act done by the City Council, or any of the officers of said city, or any contract entered into by them, or any of them, or any suit pending begun prior to the passage of this act, but the same shall remain in full force and effect, and all laws and parts of laws inconsistent with the provisions of this act be, and the same are, hereby repealed; but repeal shall not have the effect to nullify or make void any contracts heretofore entered into by the City Council of the City of Miami, and all ordinances of the City of Miami now in existence and not inconsistent with the provisions of this act shall remain in full force and effect until altered, modified or repealed, according to the provisions hereof.

Repeal.

Power of
Council

Sec. 52. The City Council of Miami shall have the power from time to time to pass all such ordinances not inconsistent with this act as may be necessary to carry out and enforce the provisions of this act.

Powers of
Council.

Sec. 53. That the City of Miami be, and it is, hereby fully authorized and empowered, as fully and completely as a natural or artificial person might or could be, to establish, construct, build, maintain and operate a municipal plant or plants for the supply and distribution of water, within or without its limits, for municipal use, and for the use of such persons as may require and pay for

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Powers of
Council.

the same, and a municipal plant or plants for the making and distribution of gas and electricity for furnishing light, heat and power for municipal use, and for the use of such persons as may require and pay for the same, without first having to purchase or acquire the waterworks, gas and electric light plants now operating or hereafter erected in the City of Miami or either of them; Provided, That two-thirds of the electors of said city qualified to vote and voting shall at a special election called by the City Council for that purpose vote in favor of the construction of such municipal plant or plants; and the City Council of the City of Miami shall have full authority to pass all such ordinances and resolutions as may be necessary for the calling, conducting and ascertaining the result of such election, and if two-thirds of the qualified electors of said City of Miami, voting at such election, shall vote in favor of the construction of said plant or plants, then said City Council shall have full authority and power to pass such ordinances and resolutions as are necessary and expedient to carry into effect all the provisions of this section; Provided, further, That said City Council shall also have the power to purchase and acquire, upon such terms as may be agreed upon by the parties in interest, any such plant or plants now in existence in said City of Miami, and should said city be authorized by a vote of two-thirds of the electors voting at such an election to undertake to construct or build any such plant or plants, or should said city purchase or agree to purchase any such plants now in existence in said city, then in either event the said City Council shall have the power to call and hold a bonding election as provided for in Section 33 of this act, for the calling and conducting of an election for bonds for municipal improvement, and to issue, sell and dispose of all bonds authorized by said election to be issued in the same manner and under the same regulations as provided herein for the issue of municipal bonds for public improvements, and all provisions of this act relating to the issue, sale and disposition of other municipal bonds shall, as far as practicable, apply to the issue, sale, disposition and redemption of the bonds to be issued for the purchase or construction of such municipal waterworks, gas and electric light plants, or either of them.

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Estimate of
cost of
plants re-
quired to be
published,
etc.

Sec. 54. That whenever the City Council deems it expedient to submit to the qualified electors of the City of Miami the question of the construction of any such municipal plant or plants mentioned in the foregoing section, the City Council shall, by resolution, cause to be made and furnished to them, within sixty days from the record of such determination, an itemized estimate of the approximate cost of such plant or plants so to be constructed, and upon the receipt of such estimate, the City Council shall call an election as specified in the foregoing section, which said call shall contain the estimate of the approximate cost of such plant, or plants, and said call for such election shall be published once each week for thirty days before said election; and if, upon the holding of said election, it is determined, as provided in the foregoing section, to construct any such plant or plants, the said City Council shall proceed in the construction of such plant or plants, and the said Council shall have the sole supervision and control of the construction of such plant or plants, and the maintenance of the same thereafter; and said Council shall have the sole power of the appointment and hire of all operatives, employees, officers and agents necessary to operate any such municipal plant or plants, either constructed, acquired or purchased by the city, and the removal of the same; Provided, however, That no employee, officer, agent or operative of said plant or plants shall be appointed by said Council, except upon a merit basis, and after being so appointed by them shall not be removed except for cause.

Collection
of fees

Sec. 55. All fees permitted by this charter, or created by any existing ordinance, or which may be hereafter created by ordinance, shall be collected by the proper officer, and paid to the City Treasurer.

Sec. 56. That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Sec. 57. This act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Approved May 27, 1907.

AN ACT to Legalize and Validate Certain Ordinances, Certain Levies, Assessments and Collections of Taxes, and Certain Elections of the Officers of the Town of Milton.

Whereas, The Town Council of the town of Milton did, on the 27th day of July, A. D. 1898, pass and adopt a general revision of the ordinances of the town of Milton, under the title of "The Revised Ordinances of the Town of Milton of 1898;" and

Whereas, Certain records showing the passage and adoption of said ordinances have been lost or destroyed or were never made; and

Whereas, The said town has since said date administered by its officers its corporate functions and affairs under said ordinances, levied, assessed and collected taxes, passed and adopted ordinances, elected officers for said town as provided by the charter of said town; therefore

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the action of the Town Council of the town of Milton in passing and adopting "The Revised Ordinances of the Town of Milton of 1898," be, and the same is, hereby legalized, and the said ordinances thereby passed and adopted are hereby legalized and declared to be legal, valid and binding.

Sec. 2. That all actions and proceedings of the Town Council in amending said revised ordinances or passing new ordinances are hereby legalized and declared to be legal, valid and binding.

Sec. 3. That all levies, assessments and collections of taxes made by the officers of said town under the charter and said revised ordinances are hereby legalized and declared to be legal, valid and binding.

Sec. 4. That all elections of the officers of said town, as provided by the charter and said revised ordinances of

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Elections
legalized.

said town, are hereby legalized and declared to be legal, valid and binding, and the officers now holding the respective offices for which they were respectively elected on the 25th day of September, A. D. 1906, elected under said charter and said revised ordinances, subject to all the provisions of the said charter and said revised ordinances, be, and are, hereby confirmed in their several respective offices during the term for which they were severally respectively elected.

Sec. 5. That all laws in conflict herewith be, and the same are, hereby repealed.

Sec. 6. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 15, 1907.

CHAPTER 5825—(No. 230).

AN ACT to Amend Sections 2, 4, 5, 13, 14, 22, 27, 30, 39 and 46 of Chapter 4656, Laws of Florida, Entitled An Act to Incorporate and Establish a Municipal Government for the Town of Milton, in Santa Rosa County, Florida, Provide for its Government, Prescribe its Jurisdiction and Powers, Etc.

Be It Enacted by the Legislature of the State of Florida:

Amendment.

Section 1. That Section 2 of Chapter 4656, Laws of Florida, entitled an act to incorporate and establish a municipal government for the town of Milton, in Santa Rosa County, Florida, provide for its government, prescribe its jurisdiction and powers, and to abolish the present corporation of said town, be, and the said is, hereby amended so as to read as follows:

Corporate
authority.

Sec. 2. That the government and corporate authority of said town shall be vested in a Mayor, a Town Council, to consist of seven Aldermen, a Clerk, a Treasurer, a Tax Assessor, a Marshal, a Tax Collector, and such other officers as may be appointed or elected in pursuance of law and the ordinances of said town. The offices of Clerk

and Treasurer, or of Clerk, Treasurer and Tax Assessor; or of Marshal and Collector, or of Tax Assessor and Tax Collector, may be held by one person, as the Town Council may by ordinance prescribe.

Sec. 2. That said Section 4 of said act be, and the same is, hereby amended so as to read as follows:

Sec. 4. That the Mayor, Aldermen, Clerk, Treasurer, Tax Assessor and Tax Collector of said town shall be qualified electors of said town; Provided, That where the offices of Marshal and Tax Collector are held by one person, the Collector need not be a qualified elector of the town, nor elected by the electors of said town.

Sec. 3. That Section 5 of said act be, and the same is, hereby amended so as to read as follows:

Sec. 5. That the Mayor shall be elected by the qualified electors of said town for the term of one year, and shall hold office until his successor is elected and qualified; he shall have the power and it shall be his duty to preserve the peace and to enforce good order in the town. His compensation shall be fixed by the Town Council.

Sec. 4. That Section 13 of this act be, and the same is, hereby amended so as to read as follows:

Sec. 13. That the Town Council shall be the judge of the qualifications, election and returns of its own members, and shall, by appointment, at any regular meeting, fill all vacancies that may occur in said Town Council, and in any and all other offices of the said town, said appointee to hold office until his successor is duly elected or appointed and qualified. It may enact rules of procedure and may prescribe penalties for the non-attendance or disorderly conduct of its members, and enforce the same. Two-thirds of its members concurring, it may expel a member for improper conduct in office. A majority of the members of the Council shall be necessary to form a quorum for the transaction of business, but a smaller number may adjourn from time to time and under the provision of ordinances or rules of procedure may compel the attendance of absent members by the imposition of fines and penalties.

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Sec. 5. That Section 14 of said act be, and the same is, hereby amended so as to read as follows:

Meetings of Council and power of Council to require witnesses to testify.

Sec. 14. That the Town Council shall hold not less than one regular meeting in each month in such place in the town as the Town Council may designate; the manner of holding special meetings shall be provided by ordinances. The Town Council shall have power to require witnesses to come before it, upon process issued by the Council under its corporate seal, shall have power to cause such witness to testify before it, and to punish for contempt for the refusal of witnesses to appear or testify before it.

Sec. 6. That Section 22 of said act be, and the same is, hereby amended so as to read as follows:

Bond issue.

Sec. 22. That whenever it shall be deemed advisable to issue bonds of the town of Milton for any purpose or purposes hereinafter named, for raising money to be used in the construction and maintaining waterworks, gas or other illuminating works, sewerage, opening, widening or paving the streets or sidewalks, public parks or promenades, establishing and maintaining a fire department, erecting public buildings or for any other purpose deemed for the benefit of the public good or welfare, the Mayor and Town Council, in their corporate capacity, are hereby authorized and empowered to issue and dispose of bonds of the town, under the seal of the corporation, to an amount not exceeding twenty per cent of the taxable property of the town, as shown by the tax assessment for the year preceding the issue of such bonds; said bonds shall be signed by the Mayor and be countersigned by the President of the Town Council and attested by the Clerk, with proper interest coupons attached; Provided, however, That before said bonds shall be issued or otherwise provided for, the issuance of said bonds shall be approved by a majority vote of the qualified electors of said town voting at a general election or special election held for that purpose, which election shall be duly advertised for thirty days prior to the holding of the same.

Sec. 7. That Section 27 of this act be, and the same is, hereby amended so as to read as follows:

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Sec. 27. That the Town Council shall have power to levy annually a special tax on all the taxable property within the limits of said town as may be necessary to provide for the payment of said bonds at maturity and the interest coupons thereof; Provided, Such special tax shall not exceed ten mills on the dollar annually. The Council shall have power to provide by ordinance for the custody and investment of such tax.

Sec. 8. That Section 30 of said act be, and the same is, hereby amended so as to read as follows:

Sec. 30. That there shall be a Marshal of said town, who may also be the Collector of Taxes; the Marshal shall be appointed by the Town Council and shall hold his office at the pleasure of the Town Council, but not to exceed a period of one year, unless reappointed; he shall be a male person, over the age of twenty-one, and under the age of sixty years. The Marshal shall give such bond and receive such compensation as the Town Council may prescribe, and the provisions of Section 15 of this charter relative to the compensation of officers shall not apply to the office of Marshal; Provided, That the first appointee under this law shall be made by the Town Council at its meeting in August, 1907, to succeed the present incumbent, to become effective at the expiration of the term of office of the present incumbent.

Sec. 9. That Section 39 of this act be, and the same is, hereby amended so as to read as follows:

Sec. 39. That the Tax Assessor shall complete the assessment rolls of the town on or before the second Tuesday in August in every year, on which day the said officer shall meet with the Town Council for the purpose of reviewing and equalizing the assessment, and they may continue in session for that purpose from day to day as long as shall be necessary, and the Town Council may review the same, hear complaints, correct inequalities in valuations and may raise or lower any or all assessments or valuations made by the Assessor; Provided, That where any assessment or valuation is raised by the Town Council, the person, firm or corporation whose assessment or valuation is so raised shall be duly notified before such raise is finally made; Provided, further, That said Town Council shall not be required to keep within the valuations

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made by the State and county, but shall assess the property at its cash value.

Section 10. That Section 46 of said act be, and the same is, hereby amended so as to read as follows:

Ordinances
required to
be published.

Sec. 46. That all ordinances passed by the Town Council before they shall become laws shall be published as provided by the ordinances of the town, within the town for a period of four weeks, except sanitary or quarantine regulations, which may become effective immediately; Provided, however, That where a general revision or codification of the ordinances of said town is made, it shall not be necessary to publish the entire revision or code, but such revision or code may be adopted by the passage and publication of an ordinance adopting such revision or code.

Proviso.

Sec. 11. That all laws or parts of laws in conflict with this act be, and the same are, hereby repealed.

Sec. 12. That this act shall take effect upon its approval by the Governor.

Approved May 3, 1907.

CHAPTER 5826—(No. 231).

AN ACT to Authorize the Town of Orange Park to Impound Hogs of Residents Who Live Without the Town.

Be It Enacted by the Legislature of the State of Florida:

Impounding
hogs.

Section 1. That the town of Orange Park shall have the same authority and right to impound hogs of residents who live without the town as it has to impound hogs of residents who live within the town; Provided, That notice of this law shall be posted or advertised in some newspaper in Clay County at least thirty days prior to the impounding of any hogs that may have come from without the town.

Proviso.

Sec. 2. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 27, 1907.

AN ACT to Enable the City of Orlando to Make Special Assessments on Real Estate Specially Benefited by Certain Municipal Improvements.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That at any time within one year after any park, street, highway, or other way, ditch or sewer is laid out, opened, altered, widened, graded, paved, extended, dug, constructed or discontinued in the city of Orlando when in the opinion of the City Council of the said city any real estate, including that a part of which may have been taken for that purpose, shall receive any benefit and advantage therefrom beyond the general advantages to all real estate in said city, the City Council may adjudge and determine the value of such benefit and advantage to any such real estate and may assess a proportionate share of the expense of said improvement, but in no case shall such assessment exceed one-half the amount of such expense, the balance to be borne by the general tax or by bonds issued for the purpose according to law. The City Council may permit the person or persons liable for said amount to pay the same in installments to be paid at such time and with such interest (not exceeding eight per cent. per annum) as it may determine.

Benefited property to be taxed to bear expense of certain improvements.

Sec. 2. Any such assessment which has heretofore been made or which may hereafter made, and which may be invalid by reason of want of authority or error or irregularity for or in the making thereof, and which has not been paid or which has been recovered back, may be re-made by the City Council to the amount for which the original assessment ought to have been made, or might be made under this act as the case may be.

Certain assessments may be re-made.

Sec. 3. All assessments made or re-made under this act shall be liens on the property against which such assessments are made or re-made, and may be enforced in the manner now or hereafter provided by the general laws for the enforcement of such liens by cities and towns.

Liens.

Sec. 4. This act shall take effect immediately upon becoming a law.

Approved April 24, 1907.

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CHAPTER 5828—(No. 233).

AN ACT to Amend Section One of an Act Entitled "An Act to Authorize the City of Orlando to Issue Additional Bonds to the Amount of One Hundred and Fifty Thousand Dollars," Approved May 31st, 1905.

Be it Enacted by the Legislature of the State of Florida:

Amendment. Section 1. That Section 1 of an act entitled "an act to authorize the city of Orlando to issue additional bonds to the amount of one hundred and fifty thousand dollars," approved May 31st, 1905, be amended so as the same shall read as follows:

Addition to
present
bonded in-
debtedness.

Section 1. That the City Council of the city of Orlando is hereby authorized to issue an addition to its present bonded indebtedness bonds to the amount of one hundred and fifty thousand dollars for constructing or purchasing waterworks, for constructing or purchasing works for supplying light to the city and to private consumers and for constructing a system of sewerage for the city. Before any such bonds are issued, however, the question of issuing them, as well as the amount to be issued, shall be submitted to the registered voters of the city then residing therein who own real estate therein and have paid their taxes for the year last due thereon, in such manner and after such public notice as the City Council may by ordinance prescribe, and should two-thirds of the registered voters having the said qualifications and voting in the said election vote in favor of issuing the bonds and the amount proposed to be issued, the City Council may issue them, otherwise not. The City Council shall by ordinance provide for opening the city registration books before any such bond election, and also for ascertaining the registered voters who possess the qualifications aforesaid.

Approved June 3, 1907.

AN ACT to Amend Section One (1) of an Act Entitled "An Act to Enable the City of Orlando to Make Special Assessments on Real Estate Specially Benefited by Certain Improvements," Approved April 24, 1907.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section One (1) of an act entitled "An act to enable the City of Orlando to make special assessments on real estate specially benefited by certain municipal improvements," approved April 24th, 1907, be amended so as to read as follows:

Section 1. That at any time within one year after any park, street, highway or other way, ditch or sewer is laid out, opened, altered, widened, graded, paved, extended, dug, constructed or discontinued in the City of Orlando, when in the opinion of the City Council of the said city any real estate, including that a part of which may have been taken for that purpose, shall receive any benefit and advantage therefrom beyond the general advantages to all real estate in said city, the City Council may adjudge and determine the value of such benefit and advantage to any such real estate and may assess upon the same a proportionate share of the expense of said improvement, but in no case shall such assessment exceed one-half the amount of such expense, the balance to be borne by the general tax or by bonds issued for the purpose according to law. The City Council may permit the person or persons liable for said amounts to pay the same in installments to be paid at such time and with such interest (not exceeding eight per cent. per annum) as it may determine.

Special assessments on real estate specially benefited in Orlando.

Sec. 2. This act shall take effect immediately upon becoming a law.

Approved June 3, 1907.

AN ACT to Establish the Municipality of Pablo Beach, to Provide for its Government, Fix its Territorial Limits, and to Prescribe its Jurisdiction and Powers.

Be it Enacted by the Legislature of the State of Florida:

Territorial
boundaries.

Section 1. A municipality to be called the Town of Pablo Beach is hereby established in Duval County, the territorial boundaries of which shall be as follows: Beginning at a point where the projection of Wakulla Avenue would intersect the Atlantic Ocean, thence southerly along said ocean to a point where the projection of the center of Hillsboro Avenue would intersect the Atlantic Ocean, thence westerly along said projection and the center of Hillsboro Avenue to a point of intersection with Tenth Street, thence northerly along the center of Tenth Street to its intersection with the center of Wakulla Avenue, thence along the center of Wakulla Avenue and the projection thereof to the point of beginning.

Succession,
etc.

Sec. 2. Said corporation shall have perpetual succession, may sue and be sued, plead and be impleaded, may purchase, lease, receive and hold property, real and personal, within said town, and may sell, lease, or otherwise dispose of the same for the benefit of the town; and may purchase, lease, receive and hold property, real and personal, beyond the limits of the town, to be used for the burial of the dead, for the erection of waterworks, for the establishment of poor houses, pest houses, houses of detention and correction, for public parks and promenades, and for other public purposes that the Mayor and Town Council may deem necessary and proper; and may sell, lease, or otherwise dispose of such property for the benefit of the town to the same extent as natural persons may. Said town shall have and use a common seal, and may change it at its pleasure.

Corporate
authority.

Sec. 3. The corporate authority of said town shall be vested in a Mayor and Town Council, and such other officers as may be appointed and elected in pursuance of law.

Sec. 4. No person who is not a qualified elector of said town shall be eligible to any of the said offices, except

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that of Town Marshal, and in case any vacancy shall occur in any town office, such vacancy shall be filled by a majority vote of all the members of the Town Council, and persons so appointed by the Town Council shall hold office until the next election of officers, and until his successor is elected and qualified.

Qualifications for office, vacancies, etc.

Sec. 5. The Mayor shall be elected by the qualified electors of said town for a term of one year, and shall hold office until his successor is elected and qualified. He shall have the power to preserve the peace and enforce good order within the town. He shall receive such compensation for his services as Mayor, as may be provided by ordinance.

Term, election, compensation, etc., of Mayor.

Sec. 6. The Mayor shall have jurisdiction for the trial of all offenders against the town ordinances. He shall see that the ordinances of the town are faithfully executed; he shall have power by his warrant to have brought before him any person or persons charged with the violation of town ordinances, and to require the attendance of witnesses for the town and the accused; to administer oaths, to take affidavits and to inquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of the accused, and to fix and enforce by penalty the sentence prescribed by law and the ordinances of the town; to pardon and release persons convicted by him, in term or time or otherwise, by mandate in writing to the Marshal or any policeman; to have and exercise all powers incident and usual to the due enforcement of his jurisdiction. Appeals from the judgment and sentence of the Mayor shall be taken in time and manner prescribed by law, but all appeal bonds shall be submitted to the Mayor, and if approved by him, said appeals shall operate as a supersedeas. He shall keep a record of his official acts, substantially setting forth the charges preferred against the parties brought before him by warrant or otherwise, and of the judgment rendered in each and every case, and he shall require the Clerk to make and preserve such record by regular minutes; he may appoint and discharge special policemen and detectives, subject to the approval of the Town Council at their next regular meeting.

Jurisdiction, duties, powers, etc., of Mayor.

Sec. 7. The Mayor shall have general supervision over all town affairs and officers, except Town Councilmen,

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Supervision
of Mayor
over officers,
etc.

and may examine into the condition of their offices, the books, records and papers thereof and therein, and the manner of conducting their official business. He shall report to the Town Council all violations or neglect of duty, or any misfeasance, malfeasance or non-feasance in office, or neglect of duty or improper conduct on the part of any town official that may come to his knowledge.

Approval of
ordinances
by Mayor.

Sec. 8. Every ordinance passed by the Town Council, before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk for approval or disapproval. If the Mayor approves the same he shall sign it and return it to the Clerk within five days, but if he shall not approve it, he shall return it to the Clerk, with his objections in writing, at or before the next regular meeting of the Town Council for reconsideration, and if the Town Council shall pass the ordinance by a two-thirds vote, it shall become a law. If the Mayor shall fail to return any ordinance, or return the same unsigned without the objections in writing at or before the next regular meeting of the Council after its passage, the ordinance shall become a law.

Duty of
Mayor re-
garding laws
and ordi-
nances.

Sec. 9. The Mayor shall communicate, from time to time, in writing to the Town Council, such information and recommend such measures, touching the public services, as he may deem proper. He shall take care that all ordinances and laws of the town and the orders of the Town Council are duly observed and enforced, and he shall perform such other duties as the ordinances may require.

Impeach-
ment of
Mayor.

Sec. 10. The Mayor may be impeached by the Town Council for misfeasance, malfeasance, or non-feasance in office, and for drunkenness or habitual intoxication, and he may be removed from office upon conviction by an affirmative vote of two-thirds of all the members of the Town Council. Should charges at any time be preferred against the Mayor, they shall be in writing, shall clearly set forth the offence or offences of which he is accused, and a copy thereof signed by the president or president pro-tempore of the Town Council, attested by the Town Clerk, with the seal of the town attached, shall be served on him by the Marshal, and the Council shall proceed without unnecessary delay to investigate the charges and de-

cide them. The Mayor shall have the right to be heard in person or by attorney at such investigation and trial.

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Sec. 11. In the event of absence of the Mayor from the town, or his inability, from sickness or other cause, to discharge the duties of his office, the president of the Town Council, or in his absence or disability, the president pro-tempore, shall discharge the duties of Mayor.

In event of absence of Mayor.

Sec. 12. The legislative power of the corporation shall be exercised by the Town Council composed of nine members, who shall serve for a period of one year and until their successors are elected and qualified, unless otherwise provided in this act. The first election of all town officers provided for in this act shall be held on the second Tuesday in July, A. D. 1907, and annually on the same date thereafter. All vacancies between the elections which shall occur in the Town Council shall be filled by the votes of the majority of the remaining members. The members shall elect annually one of their members to be their presiding officer, who shall be called the president of the Town Council, and shall have powers to enforce such rules as may be adopted by the Town Council. The members of the Town Council shall serve without pay.

Election, terms, vacancies, etc., of members of Council.

Sec. 13. The Town Council may determine its own rules of proceeding and prescribe the punishment of its members for non-attendance or disorderly conduct, and enforce the same. Two-thirds of its members concurring, it may expel a member for nonattendance or other improper conduct while in office. The majority of the members of the Town Council shall be required to form a quorum for the transaction of business, but a smaller number may adjourn, from day to day, and under the provision of the ordinance, may compel the attendance of absent members by fines and penalties. The president of the Town Council and Town Clerk shall have the power to administer necessary oaths and may issue subpoenas and compulsory proceedings to compel the attendance of persons and the production of books and papers before the Town Council, or any committee of same. The Town Council shall hold meetings at such times at it may determine, not less than one regular meeting a month.

Rules, regulations, non-attendance, conduct, meetings, etc., of members of Council.

Sec. 14. No bill shall become a law without first hav-

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Requirement
of passage
of bills.

ing been passed on three several readings by a majority vote, and on the third reading, a majority of the whole number of the Town Council shall be required, nor shall any such bill be effective until the same is signed by the Mayor, except that it may be passed without his signature or over his veto, as herein provided.

Powers of
Council by
ordinance.

Sec. 15. The Town Council shall have power, by ordinance, to levy and collect taxes on all property and privileges taxable by law for State purposes; to appropriate money and provide for the payment of all debts and expenses of the town; to make regulations to prevent the introduction of contagious diseases in the town; to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances; to provide for the cleaning and keeping in good sanitary condition of all premises within the limits of the town; to regulate the construction and arrangement of earth closets and privies, and to make all reasonable rules and regulations in regard thereto; to provide the town with water by waterworks, within or beyond the boundaries, by contract or otherwise; to provide for the prevention and extinguishment of fires, and to organize and establish fire departments; to provide for lighting the town; to make appropriations to open, alter, abolish, widen, extend, establish, improve, clean and keep in repair streets, alleys and sidewalks; to erect, establish and keep in repair privies, culverts, sewers and gutters; to grant rights and franchises to and upon the streets, alleys, public roads, ways and avenues of said city for public utility; to make, appropriations for lighting streets and public buildings, and for the erection of all buildings necessary for the use of the town, to license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and of property within the town; to license, tax and regulate all privileges taxable by the State, provided that no license tax shall exceed the license tax imposed by the State; to prohibit and suppress all gambling houses, bawdy and disorderly houses, and obscene pictures and literature; to regulate and restrain or prevent the carrying on of manufactories dangerous in causing or producing fires, and

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Powers of
Council by
ordinance.

to regulate and license the sale of firearms and suppress the carrying of concealed weapons, regulate the storage of combustible, explosive and inflammable materials; to provide for and regulate the inspection of beef, pork, flour, meal and all other provisions, oils, whiskey and other spirits; regulate the inspection of milk, butter, lard and other provisions; to regulate the vending of meat, poultry, fish, fruits and vegetables; to establish and regulate markets; to impose penalties upon owners, occupants or agents of any house, walk, or sidewalk, or other structure, which may be considered dangerous or detrimental to the citizens, unless, after due notice to be fixed by ordinance, the same be removed or repaired; to regulate, tax, license or suppress the keeping and going at large of all animals within the town, to impound the same, and, in default of redemption in pursuance of ordinance, to sell, kill or otherwise dispose of the same; to establish pound limits within the town; to provide for inclosing, improving and regulating public grounds belonging to the town in or out of the corporate limits; to pass all ordinances necessary for the health, morals, convenience and safety of the citizens; to secure peace and good order in the town, and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation; to provide for the appointment of a police force; to provide for the arrest of persons violating any ordinance, and for their punishment, upon conviction, by fines, forfeitures, penalties and imprisonment with or without labor, but no penalty shall exceed five hundred dollars and no term of imprisonment shall be for a longer term than three months for the same offence. Nothing contained in this section shall be construed as conferring power on the Town Council to impose a license tax upon the sale of spirituous, vinous or malt liquors in contravention of the general laws of the State on that subject.

Forbidden
appropriations.

Sec. 16. The Mayor and Town Council are forbidden to make any appropriation of money or credit in the way of donations, festivities, pageants, excursions or parades, nor shall they be authorized to subscribe for stock in any railroad company or in any other corporation, or give or lend any money, aid or credit to any person or corporation whatever, and they are hereby prohibited from employing or appropriating the revenues and taxes in any

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other manner than for the purpose strictly municipal and local and according to the provisions of this act. Said municipality shall not exempt any property from taxation which shall not be exempt from taxation by the State.

**Town Clerk
and Tax
Collector.**

Sec. 17. There shall be one office of Town Clerk and Tax Collector, and said officer shall be elected by the qualified electors of said town for the term of one year, and shall hold office until his successor is elected and qualified. He shall receive such reasonable compensation as the Town Council may prescribe by ordinance. He shall be known and sign all documents, rolls and papers as Town Clerk. He shall give such bond as the Town Council may require. He shall keep a record of all judgments and proceedings of the Mayor's court, and shall attend all regular and special meetings of the Town Council, and shall keep a record of all the proceedings and acts of the Town Council, and shall record in books to be kept for that purpose, all ordinances and resolutions passed by the Town Council, and shall perform all such other duties as usually pertain to the office of Town Clerk and may be required by the Town Council.

Treasurer.

Sec. 18. There shall be one office of Town Treasurer, and said officer shall be elected by the qualified electors of the said town for the term of one year. He shall hold office until his successor is elected and qualified. He shall be known and designated as Town Treasurer, and shall sign all documents and papers as Town Treasurer. He shall receive no actual salary, but the Town Council may by resolution, from time to time, provide for and order the payment of reasonable compensation for services actually performed. He shall give such bond as the Town Council may require. He shall receive and collect all moneys due the city, except taxes which shall be paid him by the Town Clerk. He shall keep and complete an accurate account and record of all moneys by him received and paid out, and of all the transactions of his office, and shall perform all such other duties usually pertaining to his office as may be required by the Town Council.

**Accounts
and war-
rants.**

Sec. 19. The Town Treasurer shall pay out no funds of the town except upon a warrant of the Town Clerk, under the corporate seal of the town, and countersigned by the president of the Town Council. The Town Clerk shall draw

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no warrant upon the Town Treasurer, except upon the warrant of the Town Council. All bills, accounts, and claims of debt of every kind whatsoever, shall be considered and passed by the Town Council at regular meetings. It shall be the duty of the Town Council to consider and pass upon each item of all pay roll accounts and bills, and the Town Council shall not pass upon, allow or order the payment of any bill, pay roll or account until each item of said bill, pay roll or account, is presented to them. The Town Council shall not order any warrant or warrants to be drawn unless there be funds in the hands of the Town Treasurer sufficient to meet or cover such warrant or warrants.

Treatment
of accounts
and war-
rants drawn
on Treas-
urer.

Sec. 20. There shall be a Town Tax Assessor, who shall be elected by the Town Council as soon as practicable after each general town election, as the same shall be constituted by reason of said election. He shall hold office for the term of one year, and until his successor is elected and qualified. He shall give such bonds as the Town Council may prescribe, and shall receive such compensation as the town may by ordinance provide. He shall perform all duties prescribed by law, and such other duties pertaining to his office as may be prescribed by ordinance.

Tax As-
sessor.

Sec. 21. There shall be a Town Marshal, who shall be elected by the Town Council for the term of one year, and he shall hold office until his successor is elected and qualified. He shall give such bond as the Town Council may prescribe, and shall receive such compensation as the Council may by ordinance provide. His compensation shall not be changed during his term of office.

Term, com-
pensation,
etc., of
Marshal.

Sec. 22. It shall be the duty of the Marshal to attend all regular and special meetings of the Town Council; to aid in the enforcement of order under the direction of the presiding officer; to execute the commands of the Council from time to time, as well as of the Mayor in the line of his duty, and to execute all processes issued by the authority thereof; to attend the Mayor's Court during its sittings, and to execute his commands; to aid in the enforcement of order therein, under the direction of the Mayor, and to perform such other duties as may be appro-

Duties of
Marshal.

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priate to his office, under the provisions of law, or as may be required by ordinance. He shall have control of the police force subject to the commands of the Town Council, and shall have police powers of arrest.

Power of
Marshal to
arrest with-
out warrant.

Sec. 23. The Marshal shall have power and authority to immediately arrest, with or without warrant, and take into custody any person or persons who shall commit, threaten or attempt to commit, in his presence or within his view, any offense prohibited by the laws of the town; and he shall, without unnecessary delay upon making such arrest, convey the offender or offenders before the Mayor to be dealt with according to law.

Common law
and statu-
tory au-
thority of
police force.

Sec. 24. The Marshal and members of the police force in addition to the powers incident to their offices, and as herein designated, shall possess common law and statutory authority of Constables except for the service of civil process.

Marshal
shall act as
inspector.

Sec. 25. The Town Council shall have the power to require the Town Marshal to perform the duties of sanitary inspector, and perform such duties in reference to the inspection of property and premises and reporting the same as the Town Council may require.

Power
to tax.

Sec. 26. The town shall have the power to raise by tax and assessment upon all real and personal property, all sums of money which may be required for the improvement and good government of the town, and for carrying out of the powers and duties herein granted and imposed

Assess-
ments, etc.

Sec. 27. The town may make its own assessment of property for taxation, but the valuation of the property by the municipality shall not exceed the last valuation thereof by the State for taxation, and the total tax levied upon any property in any one year shall not exceed one per cent upon such State valuation, but this provision shall not be so construed as to prevent the town from making such special assessments of property for improvement as are specified in this act. All assessment of property for taxation shall be as nearly as practicable in the manner now provided by the law of the State for the assessment of taxes. It shall not be necessary to describe personal property assessed for taxation, and the term "personal property" shall be a sufficient description to

sustain any listing and assessment of the personal property of any person, firm or corporation. 1907.

Sec. 28. All persons, corporation, or firms, holding property, whether real or personal, subject to taxation by the town of Pablo Beach, are hereby required to make a return of the same before the fifteenth day of June, 1907, and before the first day of March in every year thereafter, to the Town Tax Assessor. Tax returns.

Sec. 29. Such return shall be made upon and in compliance with blanks prepared therefor and furnished by the town of Pablo Beach, and shall contain a complete list of all the property taxable by the town belonging to such person, firm, or corporation, on the first day of January in the year for which return is made, giving separately an intelligible description of each separate lot or parcel of real estate. The description of property thus returned may be considered by the Town Tax Assessor in making assessments, but he shall not be bound thereby. Should any person, firm or corporation omit to make return as above required, the assessing officer shall assess property not thus returned in the name of the owner, if the name of such owner shall be known to him, and where the name of the owner is not known to him, he may assess it in the name of the supposed or reputed owner or occupant, or as belonging to unknown owner, and in no case where the real owner has failed to make return of the property as herein required, lawfully made, or the enforced payment of taxes thereon be registered by reason of such property being assessed otherwise than in the name of the real owner. Tax returns and duties of Tax Assessor.

Sec. 30. It shall be the duty of the Town Tax Assessor to make out and submit to the first meeting, or as soon thereafter as practicable, of the Town Council in May of each year, a preliminary assessment roll of the town. As soon as practicable after the assessment roll shall be completed and submitted to the Town Council, it shall cause to be published or posted at the Town Hall and at two other public places in the town, a notice that the said assessment roll has been submitted to the Town Council and approved, and requiring all persons desiring to have corrections thereof made, whether in the listing, valuation of property or otherwise, to file with the Town Tax Assessor. Duty of Assessor.

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Duties of
Assessor.

sor on or before the day to be named in the said notice, which day shall not be less than ten days after the first publication or posting of said notice, their petitions to the Town Council, setting forth their objections to the said assessment, and the correction that they decide made. Said notice shall be published daily for four successive days in some newspaper published in Duval County or posted as aforesaid, and said notice shall name a time and place when and where the Town Council shall meet for the purpose of equalizing the assessments and making proper corrections. From the date of first publication of said notice to and including the time of such meeting of the Town Council, the assessment roll shall be open to the inspection of the public during reasonable office hours.

All petitions for correction of assessments so filed with the Town Tax Assessor shall be by him delivered to the Town Council, and the Council by committee or otherwise shall investigate concerning the same, and upon the day named therefor in the notice shall meet and sit as a Tax Equalizing Board for the purpose of equalizing the said assessments and correcting the same, and shall consider and act upon all petitions and shall make such changes in the valuation or listing of the property as may be necessary to the proper, just and legal equalizing of said assessment. It shall be the duty of the Town Tax Assessor to make out a complete tax roll as corrected by the Town Council, and after the same has been adopted and approved by the Town Council, it shall stand as the assessment of the taxable property in the town. As soon as practicable after such approval and adoption of the assessment roll, the Town Council shall determine and fix the rate of taxation and make the annual tax levies of the current year. The Town Council may levy a tax to be raised as a whole, or may make special levies for particular purposes as to them shall seem best. The Town Tax Assessor shall make two assessment rolls, the original of which he shall retain in his office, and the copy shall be delivered to the Town Clerk. To each of the assessment rolls he shall attach his certificate in the following form:

Assessor's
certificate.

"I, Town Assessor of the town of Pablo Beach, do hereby certify that the foregoing is the assessment of the taxable property in the town of

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Assessor's
certificate.

Pablo Beach, valued at its full cash value, not exceeding the value by the State for the preceding tax year, and that it contains a true statement and description of all property in the town of Pablo Beach subject to taxation by said town, or liable to be assessed therein; that the listing and valuation in said rolls show correctly and accurately the listing and valuation as corrected, accepted and adopted by the Town Council, and that all the requirements of the law and ordinances regulating the making of the assessment roll of the town of Pablo Beach have been complied with.

"Dated this day of

"Town Tax Assessor of the Town of Pablo Beach."

To the assessment roll delivered to the Town Clerk the Town Tax Assessor shall attach a warrant under his hand substantially in the form following, to-wit:

"The State of Florida, Town of Pablo Beach:

"To Town Clerk of the Town of Pablo Beach:

"You are hereby commanded to collect out of the property and from each of the persons, firms and corporations named in the annexed roll, the taxes set down in such roll opposite each name, corporation or firm, or parcel of land therein described and in case the taxes so imposed are not paid at the time prescribed by law, you are to collect the same in such a manner as provided by law and all sums collected, you are to account for as the Town Clerk of the town of Pablo Beach; and you are further required to make all collections and reports and a final report to and settlement with the Town Treasurer and Town Council as required by law, and ordinances.

Assessor's
warrant to
Town Clerk.

"Given under my hand this day of

".....

"Town Tax Assessor of Town of Pablo Beach."

Sec. 31. All taxes shall be due and payable on the first day of July in each year or as soon thereafter as the assessment roll may come into the hands of the Town Clerk, of which he shall give notice by publication once a day for four consecutive days in some newspaper published in

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Collection
of taxes.

Proviso.

Distress
warrants,
etc.Service and
execution of
distress
warrants,
etc.Surplus on
sales of
property for
taxes.Unpaid
taxes to be
collected by
suits, or by
an attorney.

Duval County, Florida, or by posting said notice at the Town Hall and two other public places in said town, and the taxes remaining due and unpaid on the first day of October thereafter shall be enforced in the manner prescribed by law, and interest at the rate of twelve per cent. per annum from the first day of October shall be added thereto and collected; provided, no interest shall run until ten days shall have elapsed from the date of the first publication or posting of said notice by the Town Clerk. Any assessment of taxes shall be and remain a lien upon the property assessed superior to all other liens or claims until the same shall be paid. The Town Clerk shall have power to issue distress warrants and alias and pluries distress warrants in the name of the State and town to enforce the collection of taxes on property and privileges. Such warrants shall be executed by the Town Marshal, or by any constable or sheriff.

The officer to whom the writ is directed shall execute the same by service upon the defendant, if he be found within the town, and by levies upon the property distrainable for such taxes, and he shall give public notice of the time and place of sale of the property to be sold at least fifteen days previous to the sale by posting a notice of such sale at the Town Hall and two other places in the town; provided, that if the person owning or claiming such property cannot be found in the town, no personal service shall be required. At any time previous to the sale the owner of such property may release the same by the payment of taxes and the charges for which the same is liable to be sold. In case any levies shall be made as aforesaid, the officer making the levy shall be entitled to the same fees as are allowed the sheriff.

Sec. 32. If the property levied upon shall be sold for more than the amount of taxes, costs and collection fees, the surplus shall be returned to the person in whose possession the property was when the levy was made, or to the owner of the property. All unpaid taxes and assessments may be collected by suit in court of law or in equity. The Town Council may by resolution certify to an attorney-at-law in Duval County, Florida, any unpaid taxes and assessments for collection, and if the taxes or assessments are collected without suit, he shall receive for his services such reasonable compensation as may be fixed

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by ordinance, which shall be in addition to such tax or assessment, and shall be a lien upon the property, the same as the tax or assessment. In case of suit, he shall receive such reasonable attorney's fees which shall be recovered and collected by such suit, as may be fixed by the court.

Sec. 33. If the taxes on real estate shall not be paid before the first day of October next, after the tax roll shall have come into the hands of the Town Clerk, the Town Council may require the Town Clerk any time thereafter, to make from the assessment roll a separate copy of any assessment thereon remaining unpaid, showing the assessment of any lot, parcel or tract of land as the name appears from the town assessment roll, which he shall certify to be a true and correct copy from the town tax assessment roll of the assessment of the lot, parcel or tract therein described, and deliver the same to the solicitor or attorney at law selected by the Town Council for the collection, which certificate shall be prima-facie evidence of the contents of the assessment roll, and of the levies made thereon in all suits to enforce the payment of or the lien for such taxes or assessments as may appear in the said copy. The attorney or solicitor charged with the collection of any such tax may thereupon prepare and file in the office of the Clerk of the Circuit Court of Duval County, Florida, a Bill in Chancery in the name of the Town of Pablo Beach, alleging the town's claim of lien against such real estate, and he shall name as parties defendant to the said bill, the parties named as owners of such real estate on the copies from the town's assessment roll so certified to him, and such other persons as the solicitor may know or have satisfactory reason to believe the owner of or interested in such real estate, or to have any right thereto, or lien thereon, and the town's claim and lien for taxes and assessments shall be by the said court enforced by decree and sale of the property against which a lien is found to exist, as other liens are enforced in chancery. The taxes or assessments on any number of different tracts, pieces or parcels of land may be collected in one suit, as the solicitor for the town may determine. Upon a collection of moneys due the city, payment shall be made, first, of all court costs, including clerk's, sheriff's and master's and advertising fees; second, of the amount

Collections of taxes on property on which taxes have not been paid, etc.

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due the town for taxes and interest, and last, of the attorney's or solicitor's fees for services in connection with the collection of said tax.

**Powers of
Council over
streets,
roads, etc.**

Sec. 34. The Town Council shall have full and complete jurisdiction, charge and control over all public or dedicated roads, ways, avenues, streets and alleys in the limits of the said town, and shall have power to cause obstructions to be removed therefrom and to restrain and regulate the use and occupation of same by any person or corporation whatsoever to the end that the safety, comfort and welfare of the public may be secured and preserved.

**Powers of
Council.**

Sec. 35. The Town Council is hereby authorized, by ordinance, to regulate, provide for and require the opening, widening, extending and improving of streets, avenues and public places; the construction and maintenance of sidewalks and street pavements; the establishment and maintenance and keeping in order of grass plots and park ways in front of property between the property lines or out of sidewalk lines, and the driveways in the center of the streets; the drainage and filling in of low places, public or private, dangerous to public health, and the cleaning up and putting into proper condition of places requiring such work to be done to promote the public welfare; and the construction and maintenance of water mains, sewers and drains, and may, by ordinance, provide for the payment of the cost thereof by general taxation or by special assessment of the cost thereof against the property fronting or abutting upon the street, avenue, or public place where the same is done, in proportion to the frontage of the property fronting thereon, the special assessment being made per front foot of the abutting property, or part of the cost thereof may be, by ordinance, paid by general taxation of all property of the town, and the remainder by such special assessment, and in case of drainage or filling in of low places (other than streets, avenues and public places), dangerous to public health, and the cleaning up and putting into proper condition of places requiring such work to be done to protect the public welfare, shall provide for the payment of the cost of such work by special assessment of the cost thereof or of such part of the cost as may be provided by ordinance, against the property upon which such work is done, and the town shall have a lien superior to all other liens upon the abut-

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Powers of
Council.

ting property, or upon the property drained and filled in or cleaned up and put in proper condition, as the case may be, for the amounts of special assessments, together with the interest thereon and the cost of collection thereof.

Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall state the estimated total cost thereof, and the estimated amount per front foot as special assessment to be levied upon abutting property, or the estimated cost to be specially assessed against the property drained, filled in, cleaned up, or put in proper condition, as the case may be, and shall be published once a week for four weeks in some newspaper published in Duval County, Florida, or posted for thirty days in the Town Hall, and two other public places in the said town, and the Town Council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of or other persons interested in, any property against which it is proposed to levy such special assessment, to present to the Town Council any objections which he may have to the enforcement of the requirement of such ordinance, and shall have power, if they deem justice or right to require the same, to repeal or amend said ordinance; but no such amendment shall increase the amount to be specially assessed against other property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work. Any person owning or interested in any property to be specially assessed or generally taxed for said work, who shall not at such meeting present in writing to the Town Council his objections to said ordinance shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereon, shall have the right within thirty days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance, any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown, to grant such injunction; and any person not presenting his bill for injunction within thirty days, or failing to push to a successful conclusion with due diligence his application for an injunction, shall be deemed to have consented to the enforcement of the

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Powers of
Council.

ordinance and the levy and collection of the special assessment and taxes necessary thereto, shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The Mayor and Town Council are hereby authorized to provide, by ordinance for the issuance of special assessment, town certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary, to enable the town to pay the cost of such work pending the collection of special assessments and taxes, and to provide for the payment thereof with interest; and the Town Council shall, as soon as practicable after the completion of any such work, by resolution, fix a special assessment per front foot upon the abutting property or the special assessment against the property drained, filled in, cleaned up or put in proper condition, as the case may be, at an amount not exceeding either the actual cost of the work or the estimated special assessment stated in the ordinance providing for the work. Any person desiring to contest in any way the validity of any such special assessment or lien shall, within thirty days after the publication or posting at the Town Hall and two other public places in said town, of the resolution fixing the special assessment, institute suit to have the enforcement thereof enjoined or its invalidity legally declared, and no person not instituting such suit shall thereafter be heard to question the validity thereof, or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty days after the publication or posting of such resolution, shall be accepted without interest, and such assessment not paid within said time shall bear interest from the date of publication or posting of such resolution at the rate of one per cent. per month. The Mayor and Town Council may, by ordinance, provide for the payment of such special assessments in installments, and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provision of one ordinance may be enforced in and by one proceeding in equity. The town shall have and collect a lien upon any properties affected

by such special assessment, for reasonable attorney's fees for the collection of unpaid special assessment after the collection thereof shall have been intrusted to an attorney by resolution of the Town Council.

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Sec. 36. All persons who shall possess the qualifications requisite to an elector at a general State election and shall have paid his poll taxes, as provided by law, and as prescribed for State elections, and shall have resided in the town for six months next preceding the election, and shall have been registered in the municipal registration as shall be prescribed by ordinance, and all persons who shall possess the qualifications requisite to an elector at a general State election, in Duval County, and shall have paid their poll taxes, as provided by law and as prescribed for State election, and shall have spent at least two weeks in the town in the twelve months preceding the election and shall own real estate in the town, and shall have registered in the municipal registration, as shall be prescribed by ordinance, shall be a qualified elector of the town at such election, and provided that the State and county registration shall not be required to qualify an elector of the town. The Town Council shall provide for holding all elections of town officers, and for canvassing the votes and certifying the results thereof. The person receiving the highest vote shall be entitled to the office. The election shall be held as near as may be in accordance with law governing elections for State officers, and the same form of ballot shall be used as is now provided by law for use in elections for State officers. Any person desiring his name to be printed upon the official ballot as a candidate for any office shall not less than fifteen days before the election file with the Town Clerk a petition signed by ten or more qualified electors of said town, asking that his name be placed upon the official ballot as a candidate for such office. The Town Council shall have the official ballots prepared and printed and shall place upon the official ballot the names of those for whom petitions have been filed within the time herein provided, and no others, but shall leave upon such ballots sufficient space for other names to be written in by the voters.

Sec. 37. All officers of said town before entering upon

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Oath.

the duties of their office shall take and subscribe to an oath to faithfully perform the duties of their office.

Impeachment of officers.

Sec. 38. Any officer of said town may be impeached by the Town Council and removed from office for misfeasance, malfeasance, or non-feasance in office, or for drunkenness or habitual intoxication by an affirmative vote of two-thirds of all the members of the Town Council. Should charges be preferred against any officer, the same procedure shall be had and observed as provided in this act in case of charges against the Mayor.

Powers under the General Statutes.

Sec. 39. The officers of the Town of Pablo Beach shall have and exercise all powers conferred by general law upon municipal officers, not inconsistent with the terms of this act. The said officers shall have the power to condemn lands and their appurtenances for the same purpose and in the same manner as is set forth and provided in Section 1040 of the general statutes of the State.

Contracts.

Sec. 40. The Town Council shall have exclusive power to make all public improvements and expenditures authorized by ordinances, but shall let all contracts for over two hundred dollars to the lowest responsible bidder.

Contracts prohibited.

Sec. 41. The Town Council shall not employ or contract with the Mayor or any Councilman or with any other town official.

Damage suits against city.

Sec. 42. No suit shall be maintained against the town for damages arising out of its failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street or other public place, unless it shall be made to appear that the damage alleged was attributable to the gross negligence of the town, and that written notice of such damage was, within thirty days of the receiving of the injury, given to the Mayor with such reasonable specifications as to time and place and witnesses as would enable the town officials to investigate the matter; and no verdict shall in any suit be given for an amount exceeding compensation damaged to the plaintiff directly attributable to such negligence on the part of the town, and not caused by contributory negligence on the part of the plaintiff. It shall be the duty of the Mayor, upon receiving any such notice, to at once investigate the matter, and lay the facts, supported by the evidence, before the Town

Council in a written report, and the Town Council shall have the right, and, upon the written request of the person injured, it shall be the duty of the Town Council to investigate the matter, and it may, by ordinance, make such reasonable settlement of any such damages as may be agreed upon between the Town Council and the person so damaged, which settlement must be approved by two-thirds of all the members of the Town Council.

Sec. 43. The number, powers, duties, terms of office and time and manner of election or appointment of any and all boards and officers of the town of Pablo Beach created by State legislation or by town ordinance, excepting only the legislative powers and duties of the Town Council, may be amended and changed for any and all boards and officers whether created by State legislation or town ordinance may be abolished and new boards and offices created by ordinance adopted by the affirmative vote of not less than two-thirds of all the members of the Town Council, and approved by the Mayor, or passed over his veto, and at a general or special municipal election approved by the affirmative vote of a majority of all the qualified electors who shall have voted on the proposition: provided that not less than fifty per cent. of the qualified voters shall have voted on such proposition, and provided, that once a week for three weeks next preceding such election, such ordinance or ordinances shall have been published in a newspaper published in Duval County, Florida, or posted in the Town Hall and two other public places in said town, and provided further, that the town electors shall be given an opportunity at such elections to vote separately on each amendment upon the proposed change as to each office to be affected; and, provided, further, that this act shall not deprive the Town Council of the power to create and abolish any office not created or recognized by State legislation or by ordinances approved by the votes of the electors of the town.

Certain changes in town organization authorized.

Sec. 44. That the Governor shall appoint one person as Mayor, nine persons as Town Councilmen, one person as Town Clerk and Tax Collector, and one person as Town Treasurer of the said town of Pablo Beach, and the persons so appointed shall be and constitute the officers of said town of Pablo Beach, and shall hold office until their

Governor to appoint officers.

1907.

Require-
ments, du-
ties, etc.,
of town
officers.

Proviso.

successors are elected at the first election of officers provided for in this act and shall qualify. Persons so appointed by the Governor shall be qualified electors of said town and shall take the oath of office prescribed in this act and the Town Clerk and Town Treasurer shall give such bond as may be required by the Town Council. When such officials appointed by the Governor shall have qualified as herein prescribed, they shall have and exercise all the duties, functions and powers provided for and conferred by this act upon the government and officers of said town. The officers so appointed and qualified shall have the power to levy a tax upon all taxable real and personal property in said town for the year 1907, and prepare and complete assessment and tax rolls and books in the manner provided for in this act, and the taxes so levied and assessed shall be and become a lien in the property against which the same shall be assessed, and shall become due and payable and shall be collectable in the same time and manner prescribed and provided in the foregoing sections of this act, provided the valuation at which said property is assessed shall not exceed the valuation at which the said property is assessed for the purpose of State taxation, and the rate of taxation shall not exceed one per cent. upon such valuation. The said officers shall have the power to license and tax privileges and occupations in the manner and within the limitations provided for in this act. In order to meet the expenses of the town government until taxes sufficient therefor are collected, the Mayor and Town Council so appointed may from time to time contract for and borrow money at a rate of interest not exceeding eight per cent. per annum; Provided, that the total amount of money so borrowed from time to time shall not exceed the sum of one thousand dollars. For the amount so borrowed, the Town Clerk shall upon the order of the Town Council draw his warrant or warrants under the corporate seal of the town upon the Town Treasurer, and the same, when countersigned by the president of the Town Council, shall become and be valid evidence of debt against the said town of Pablo Beach.

Sec. 45. This act shall take effect and become a law upon its passage and approval by the Governor.

Approved May 22, 1907.

AN ACT to Legalize the Incorporation of the Town of Palmetto, in the County of Manatee, State of Florida, and to Declare the Incorporation of the Town of Palmetto Valid and in Full Force and Effect and to Permit the Said Town of Palmetto to Issue Bonds for the Improvements of the Streets of Said Town of Palmetto, to Widen and Extend the Streets, to Build and Erect Public Works of the Said Town of Palmetto.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That all the acts done and performed in the organization and incorporation of the town of Palmetto, in the County of Manatee, State of Florida, be, and the same are, hereby declared to be valid and binding by the laws of the State of Florida. Acts legalized.

Sec. 2. That all acts done and performed by the Town Council, Mayor, Marshal and other officers of the said incorporation of the town of Palmetto, are declared to be of full force and validity, and all the assessments and collections of taxes done and performed by this incorporation of the town of Palmetto, are hereby legalized and declared valid and in full force, virtue and effect and binding in law and in equity. Acts legalized.

Sec. 3. That the Town Council of the town of Palmetto shall have the power to negotiate loans and issue bonds therefor, with the approval of a majority of the registered voters of the said town who own real estate therein and have paid their taxes for the year last due thereon and actually voting; to issue bonds bearing such rate of interest as may be deemed best by the Council, not to exceed the legal rate of interest of this State, whenever it may be necessary for the purpose of building or repairing the public works of the town, the widening and extension of the streets or parks, payment of existing indebtedness of the town, for any municipal purpose; Provided, Said bonded indebtedness shall never exceed ten per cent of the assessed valuation of the real and personal property within the limits of said town. Authority to issue bonds. Provide.

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Sec. 4. That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Sec. 5. That this act shall take effect and be in force from and after the time of its approval by the Governor.

Approved May 27, 1907.

CHAPTER 5832—(No. 237).

AN ACT to Amend Sections 6, 23, 24, 36, 103 and 104 of An Act Entitled "An Act to Provide for the Creation of the City of Pensacola, Now Known as the Provisional Municipality of Pensacola, and for the Government of Said City of Pensacola, and to Provide for Its Officers and Their Terms of Office, and to Provide for the Support and Maintenance of Said Government and Improvement of Said City." the Same Being Chapter 4513, Laws of Florida, Approved May 27, 1895; and to Amend Sections 7 and 12 of An Act Entitled "An Act to Provide for the Assessment, Levy and Collection of Revenue for the City of Pensacola," Same Being Chapter 5088, Laws of Florida, Approved May 22, 1901; and to Amend Section 2 of An Act Entitled "An Act to Provide for the Registration of All Legally Qualified Voters in the City of Pensacola, Florida, and to Define the Qualifications of Such Voters," the Same Being Chapter 5533, Laws of Florida, Approved May 29, 1905; and to Provide for the Election of a Superintendent of Streets, for the Election of a City Electrician, and an Inspector of Buildings for Said City, and to Provide for the Removal of Persons Elected to Offices and Employments Under This Act, and to Provide for Filling Vacancies in the Same.

Be It Enacted by the Legislature of the State of Florida:

Amend.

Section 1. That Section 6, Chapter 4513, Laws of Florida of 1895, be, and the same is, hereby amended so as to read as follows:

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Sec. 6. That there shall be elected by the qualified electors of the city of Pensacola at the general municipal election in the year 1907, and every two years thereafter, a President of the City Council, who shall possess the qualifications now required by law for Mayor. He shall preside at all meetings of the Council and appoint all committees of the Council, but shall not vote upon any question except in the event of a tie.

President of Council.

Sec. 2. That Section 23, Chapter 4513, Laws of Florida of 1895, be, and the same is hereby amended so as to read as follows:

Sec. 23. Whenever a vacancy shall occur in the office of Mayor, the President of the Council shall perform the duties of Mayor during the continuance of such vacancy, or until the next general municipal election.

Vacancy in office of Mayor.

Sec. 3. That Section 24, Chapter 4513, Laws of Florida of 1895, be, and the same is, hereby amended so as to read as follows:

Sec. 24. Should the Mayor be temporarily absent, or unable to discharge his duties, the office shall be administered by the President of the Council, who shall continue to discharge the duties of the office during the continuance of the disability or the absence of the Mayor. His compensation in all cases when discharging the duties of Mayor shall be the same as the Mayor.

Pres. to act as Mayor during absence of Mayor.

Sec. 4. That Section 36, Chapter 4513, Laws of Florida of 1895, be, and the same is, hereby amended so as to read as follows:

Sec. 36. The following executive boards are hereby established in said city: A Board of Public Works and a Board of Public Safety. The Board of Public Works shall consist of five members, who shall be elected by the qualified electors of the city of Pensacola at the general municipal election held in the year 1907, and every two years thereafter. The Board of Public Safety shall consist of five members, who shall be elected by the qualified electors of the city of Pensacola at the general municipal election held in the year 1907, and every two years thereafter. The members of said boards shall have the same

Establishment of certain boards.

1907.

qualifications as the members of the Council. The said boards shall be under the direction and control of the City Council and subject to such instructions and regulations as may be prescribed by resolution or ordinance of the Council.

Sec. 5. That Section 103, Chapter 4513, Laws of Florida of 1895, be, and the same is, hereby amended so as to read as follows:

**City
Attorney.**

Sec. 103. That there shall be elected by the qualified electors of the city of Pensacola at the general municipal election in the year 1907, and every two years thereafter, a City Attorney, whose duty it shall be to give legal advice to the Mayor and City Council, and all other officers and boards of the city in the discharge of their official duties. If requested, he shall give his opinions in writing, and they shall be preserved for reference. It shall be his duty to prosecute and defend all suits for and against the city and to attend to such other legal business as may be prescribed by the Council. His compensation shall be fixed by the Council, not to exceed two thousand dollars a year.

Sec. 6. That Section 104, Chapter 4513, Laws of Florida of 1895, be, and the same is hereby amended so as to read as follows:

**City
Physician.**

Sec. 104. That there shall be elected by the qualified electors of the city of Pensacola at the general municipal election held in the year 1907, and every two years thereafter, a city physician, who shall also be the Health Officer of said city. His duties shall be prescribed by the Council, and his compensation, not to exceed fifteen hundred dollars per year, shall be fixed by the Council.

Sec. 7. That Section 7, Chapter 5088, Laws of Florida of 1901, be, and the same is, hereby amended so as to read as follows:

**Tax As-
sessor.**

Sec. 7. That there shall be elected by the qualified electors of the city of Pensacola at the general municipal election in the year 1907, and every two years thereafter, a Tax Assessor, who shall be a holder of real estate in his own right, and who shall have had a continuous residence in the city of not less than five years immediately preced-

ing his election. The Council shall fix his compensation.

Sec. 8. That Section 12, Chapter 5088, Laws of Florida of 1901, be, and the same is, hereby amended so as to read as follows:

Sec. 12. That there shall be elected by the qualified electors of the city of Pensacola at the general municipal election held in the year 1907, and every two years thereafter, a Board of Equalization, who shall establish a basis of valuation for the equalization of taxes. The board shall consist of three qualified electors of the city of Pensacola, owners of real estate, and who have had a continuous residence in the city of not less than five years immediately preceding their election. The Council shall fix the compensation of the members of said board. Two members of said board shall constitute a quorum. The Assessor, or any of his deputies, shall act as a clerk for said board.

Sec. 9. That Section 2, Chapter 5533, Laws of Florida of 1905, be, and the same is, hereby amended so as to read as follows:

Sec. 2. That there shall be elected by the qualified electors of the city of Pensacola at the general municipal election held in the year 1907, and every two years thereafter, a registration officer for said city. The compensation of such officer shall be fixed and paid by the City Council, and before entering upon his duties, said registration officer shall subscribe to an oath that he will faithfully and impartially discharge the duties of registration officer for such city. Said registration officer shall register all persons applying to him for that purpose who shall have become of age or otherwise qualified to vote since the last general election and are otherwise qualified electors under the provisions of this act. Such registration officer shall open his office at some convenient place in said city at least thirty days before such city election and shall keep such office open every day from 9 o'clock a. m. until 1 o'clock p. m. and from 3 p. m. to 5 p. m. for ten consecutive days; due notice being given by publication of such place of registration and the date and hours. Each person applying to register shall take the following oath, to

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Registration.

be administered by the registration officer: "I do solemnly swear that I am a bona fide resident of the city of Pensacola, and possess all the qualifications of an elector of said city." Any person taking such oath who shall swear falsely shall be guilty of perjury. The name of each person so registered shall be entered in a book prepared for that purpose, giving also under proper headings his age, color, occupation and exact residence, the list for each election district being kept separate. Immediately upon closing the registration the books shall be turned over to the City Council. Said City Council shall have free access to the registration books of the County of Escambia, with authority to make, or have made, copies of same, so far as they include the election district in said city, and for the same, together with the registration of the city registration officer, the City Council shall have prepared a list, in alphabetical order, by election districts, of the qualified electors authorized to vote at the next ensuing city election, omitting from such list the names of all persons who have died or removed from said city, or are disqualified to vote by reason of failure to pay poll taxes or otherwise; and the said City Council shall publish said list one time in a newspaper published in said city, at least ten days before the day of such city election, and with such publication give notice of a certain place within said city, and a time seven days before said election, where said Council will meet to restore any name or names to such registration list which may have been improperly stricken or omitted therefrom; and at such time and place, said City Council shall meet for that purpose and shall restore to such list any name or names shown to have been improperly stricken or omitted from such registration list.

Transfer to proper district.

In case the name of an elector appears in an election district in which he does not reside, the registration officer shall upon application transfer the same to the proper election district.

Registration list.

The registration so revised and completed, shall constitute the list of registered voters entitled to vote at the next ensuing municipal election, and said registration list shall be kept at the city hall under regulations prescribed by the City Council and shall be open to the public inspection until the day of election.

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Sec. 10. There shall be elected by the qualified electors of the city of Pensacola at the general municipal election held in the year 1907, and every two years thereafter, a Superintendent of Streets, whose duties shall be prescribed by the Council, and whose compensation shall be fixed by the Council, not to exceed fifteen hundred dollars a year.

Superintendent of streets.

Sec. 11. That there shall be elected by the qualified electors of the City of Pensacola at the general municipal election held in the year 1907, and every two years thereafter, a City Electrician, who shall be an expert electrician. His duties shall be prescribed by the Council and his compensation shall be fixed by the Council at not exceeding twelve hundred dollars a year.

City Electrician.

Sec. 12. That there shall be elected by the qualified electors of the city of Pensacola at the general municipal election held in the year 1907, and every two years thereafter, an inspector of buildings, who shall be an experienced builder or architect. His duties and compensation shall be fixed by the Council.

Inspector of Buildings.

Sec. 13. That it shall be the duty of the Council, two-thirds concurring, to remove any person elected to any office or employment under this act for incompetency, malfeasance, misfeasance or non-feasance in such office or employment.

Removal of officer.

Sec. 14. That the Mayor of the City of Pensacola shall fill by appointment, by and with the advice and consent of the Council, all vacancies which may occur from any cause in any elective office or employment under this act, but such appointment shall extend only to the next general municipal election.

Filling of vacancies.

Sec. 15. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 16. That this act shall go into effect immediately upon its becoming a law.

Approved April 12, 1907.

1907.

CHAPTER 5833—(No. 238).

AN ACT Relating to the Improvement by the City of Pensacola of Its Streets, Alleys and Public Ways.

Be it Enacted by the Legislature of the State of Florida:

Authority.
to improve
streets, etc.,
and pay
for same.

Section 1. That the City of Pensacola shall have the power to lay out, open, excavate, fill, grade, pave, curb, repair or otherwise improve streets, alleys or other public ways, or any part thereof, and to pay for such improvements either from its general revenues or from money derived from the sale of bonds heretofore or hereafter authorized by law, or by both of these methods, or by either or both of them in conjunction with money realized by the assessment for such purpose, of lots or parcels of land benefited as hereafter set forth by such improvement. And the Mayor and City Council shall determine by ordinance, from time to time, what of said improvements shall be made and what method or methods shall be adopted.

Assessment
districts,
assessments,
etc.

Sec. 2. That when it shall be determined to pay in part for any such improvement by assessment of lots or parcels of land to be benefited thereby, the Mayor and City Council shall, by ordinance, divide each street, alley or public way to be improved into assessment districts, to be as small as in the opinion of the Mayor and City Council may be feasible and just, and each lot or parcel of land (except as hereafter provided) fronting on the part of the street, alley or public way embraced in such district shall contribute to the cost of such improvement in such district in the ratio of the number of feet of such parcel of land fronting on said street, alley or public way, to the whole number of feet of all lots and parcels of land within said district fronting on said street, alley or public way. Every corner lot or parcel of land shall pay in each assessment district according to its full frontage on every street, alley or public way upon which it abuts the said district.

Assess-
ments, etc.

Sec. 3. Every lot or parcel of land fronting upon a street, alley or public way in any assessment district, shall pay its proportion according to the number of feet of its frontage in said district as aforesaid, of one-third of the total of the improvement in said district, except that when the im-

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provement consists of paving, it shall pay its proportion of one-third of said cost after deducting therefrom all sums which any railroad on such street shall be compellable to pay for such improvement in such district. Every such railroad shall be required to pay the costs of paving between the rails of each of its tracks in said district and eighteen inches on each side thereof. All land fronting on any street, alley or public way of any district (except land owned by the United States) whether such land be privately owned or belong to the State of Florida, Escambia County, or the City of Pensacola, shall be required to pay its proportion, as aforesaid, of the costs of every such improvement. The city shall pay from its general revenues or from the proceeds of the sale of bonds the amount which would be apportioned to any land belonging to the United States and the amount which would be payable by any public square or any other parcel of land owned by the city.

Assessments, etc.

Sec. 4. Upon the completion of any improvement in any assessment district, the Board of Bond Trustees or the Board of Public Works as the case may be, as hereinafter provided, shall ascertain the cost of such improvement in such district, and apportion the same between the city, each of the lots or parcels of land, and the railroad or railroads against which the same is assessable, as is hereinbefore provided, and shall issue a negotiable certificate as to each lot or parcel of land, and the portion of railroad in such district, setting forth the name of the owner, if known, of each lot or parcel, the description thereof and the amount assessed against the same and the time or times at which and the interest with which the same shall be payable, and shall cause the same to be registered in a book to be provided and kept for that purpose by the City Clerk, and cause the same to be recorded in the records of mortgages of Escambia County, Florida. All assignments of the said certificates shall likewise be registered in the said book kept as aforesaid by the City Clerk. The city may, by ordinance, provide for the payment of all sums payable upon such assessments in installments of such amounts, at such times, and with such interest, not exceeding 10 per cent. per annum, as it may determine. A lien shall exist upon the said lot or parcel of land and railroad from the time of the beginning of the

Assessments, etc.

1907.

work on said improvement, and the failure to register or record the said certificate, or any mistake or inaccuracy in such certificate, either in the name of the owner of the lot or in the omission of such name, or in any other matter, or any mistake or inaccuracy in the registering or recording of the said certificate, shall not affect said lien. Said lien shall be canceled in the same manner as mortgages are required to be canceled. The said lien shall be foreclosed by a suit in equity as other liens are, under the statutes of the State of Florida.

No irregularity will exempt property benefited from the payment of lien, etc.

Sec. 5. No error in the proceedings by the Mayor and City Council or of any official of the city in the creation of such lien, or in the proceedings leading up to the completion of the said work, shall, after the said work has been done, exempt the property benefited as aforesaid from the payment of the lien aforesaid, but if any such improvement shall have been completed without any resort to the courts by a lot owner to prevent the making of the same, such lot owner shall not have the right thereafter to allege any informality, irregularity or illegality in any of the steps prior to said completion.

Omitted assessments paid by city may be assessed in another district, etc.

Sec. 6. That if any part of any street, alley or public way, improved as aforesaid, shall not be included in any assessment district, created, as aforesaid, by the city, and the city shall pay for the improvement of said part, it may thereafter, if further improvements be determined upon, include such omitted part in another assessment district and assess a due proportion of the cost thereof, in accordance with this act, upon the lots and parcels of land fronting the street, alley or public way in said other district, and upon any railroad or railroads in such district compellable to contribute thereto, and shall enforce the payment of all sums so apportioned in the manner provided in this act.

Improvement of streets.

Sec. 7. In the event that any part of the money raised by the sale of bonds of the city shall be used for any such improvement, it shall be the duty of the Board of Bond Trustees now or to be provided for, by law, or such other person or persons as may have imposed upon them substantially similar powers, to recommend to the Council the streets to be improved, and the material to be used for such improvement, and the making of all con-

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tracts for the doing of such work, and the supervision and control thereof shall be done by the Board, or such other person or persons as aforesaid, subject at all times, however, to the approval and control of the City Council. If, however, such improvement is made without the use of money raised from the sale of bonds, the making of all contracts and the supervision and control of the work shall be done by the Board of Public Works, now provided for or to be provided for by law, or such other persons as may have imposed upon them substantially similar powers, subject at all times, however, to the approval and control of the City Council.

Sec. 8. That the City Council shall have the right to pass all such ordinances not inconsistent with this act as may be necessary to supplement this act, or to further provide for the effectual making of the improvements and of the assessments aforesaid and payment for the said improvements or any of them.

Sec. 9. That all acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 10. That this act shall take effect immediately upon the approval thereof by the Governor.

Approved May 7, 1907.

CHAPTER 5834—(No. 239).

AN ACT to Authorize the City of Pensacola to Loan Its Money.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the City of Pensacola is hereby authorized to lend from time to time such of its money as it may not immediately need for municipal purposes, to such bank or banks, for such time or times, at such interest and upon such security as the City Council may deem best.

Sec. 2. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 22, 1907.

AN ACT to Provide for the Deposit in a Bank or Banks and for the Loan and Investment of Funds of the City of Pensacola, and for the Obtaining of Interest Thereon.

Be it Enacted by the Legislature of the State of Florida:

Authority
to designate
depository
and deposit
money.

Proviso.

Proviso.

Section 1. That it shall be the duty of the City Council of the City of Pensacola to designate as a depository or as depositories of all of said city's funds, such bank or banks located in said city as offer the best rate of interest for such funds, as the City Council may by ordinance or resolution determine from time to time to deposit upon interest, and as furnish such security as may be required and approved by the said City Council; Provided, however, that the designation of any one or more depositories for any one or more of said funds shall be for a period of not less than six months nor more than two years, at the option of said City Council. Provided, further, that the sinking fund provided by law and ordinance for the retirement of bonds now issued, or that may be issued, shall be invested or loaned as the City Council may, by ordinance or resolution, determine from time to time; and provided further, that nothing herein contained shall affect the powers or duties of the Council or the Board of Bond Trustees, as prescribed by the act approved May 12, 1905, entitled; "An Act to authorize the City of Pensacola to issue negotiable bonds for municipal purposes and to provide for the payment thereof."

Duty of
Council to
advertise for
bids from
banks, etc.

Sec. 2. That for the purposes of this act, it shall be the duty of the City Council to advertise once each week for four weeks prior to each designation of a depository or depositories, in a newspaper published in said city, a request for bids from the banks of said city for such deposits, and such request shall state the time and place of receiving such bids, and as near as may be, the prospective sums of money, which shall remain upon deposit subject to call by the City Council upon notice or notices, the length of which time shall be fixed in the advertisement, and those which shall remain upon deposit for a fixed period of time, which time shall be fixed in the advertisement; such

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request shall also be for bids for such deposit of funds subject to check as shall bear interest on daily balances.

Sec. 3. That upon the designation by said City Council of any one or more banks in said city as a depository or as depositories of said respective funds, it shall be the duty of the custodian of such fund or funds for which a depository, or depositories, has been designated by the said City Council to place said fund or funds in the depository or the respective depositories so designated for such fund or funds, upon notice from the said City Council of such designation.

Custodian
of funds
required to
deposit.

Sec. 4. That this act shall take effect upon and from its passage and approval by the Governor.

Approved May 23, 1907.

CHAPTER 5836—(No. 241).

AN ACT Requiring the Recorder of the City of Pensacola, Elected in the Year One Thousand Nine Hundred and Nine (1909), and Thereafter, to be a Practicing Lawyer in Said City.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the Recorder of the City of Pensacola, elected at the general municipal election in the year one thousand nine hundred and nine (1909), and always thereafter shall be a practicing lawyer in said city of Pensacola.

Recorder to
be a practicing
lawyer.

Sec. 2. That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Approved June 3, 1907.

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CHAPTER 5837—(No. 242).

AN ACT to Amend Section 34 of An Act Entitled "An Act to Provide for the Creation of the City of Pensacola, Now Known as the Provisional Municipality of Pensacola, and for the Government of Said City of Pensacola, and to Provide for Its Officers and Their Terms of Office, and to Provide for the Support and Maintenance of Said Government and Improvement of Said City," the Same Being Chapter 4513, Laws of Florida, Approved May 27, 1895.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 34 of Chapter 4513, Laws of 1895, be, and the same is, hereby amended so as to read as follows:

Salary of
Mayor to be
fixed by
Council.

"Section 34. That the Mayor shall receive a salary to be fixed by the Council, at not less than twelve hundred dollars and not more than twenty-five hundred dollars a year."

Sec. 2. All laws and part of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall go into effect upon its approval by the Governor.

Approved June 3, 1907.

"AN ACT Authorizing the Town of Perry, Taylor County, Florida, to Borrow Money on Notes or Other Obligations, and to Provide the Method by Which Loans May Be Obtained by Said Town of Perry, Florida, and the Terms and Conditions of the Same, and the Methods and Persons by Whom Notes or Other Obligations May Be Signed by the Said Town of Perry, Florida, in Order That the Said Town of Perry May Borrow Money on the Same."

Be It Enacted by the Legislature of the State of Florida:

Section 1. That from and after the passage of this act, it shall be lawful for the Town Council of the town of Perry, Florida, which, acting in their corporate capacity, to borrow money for and on behalf of said town of Perry, Florida, and for the use of said town, when in the judgment of the said Town Council, it shall and be deemed necessary; and it shall not be necessary for the said town of Perry, Florida, to hold any election for the purpose of authorizing the said Town Council to borrow money, but money may be borrowed by said Town Council on the vote of two-thirds of the members present and voting for the borrowing of money for the said town.

Sec. 2. When two-thirds of the Town Council of the Town of Perry, Florida, shall vote for the said town of Perry, Florida, to borrow money under the provisions of this act, or two-thirds of the members present and voting at any meeting of the Town Council, shall vote for the town of Perry, Florida, to borrow money, the President, or Vice President of the said Town Council if the President is not present, shall sign the note or other obligations upon which the money is to be borrowed, under the corporate name of the town of Perry, Florida, and such note or other obligations shall be countersigned and attested by the Clerk of the town of Perry, Florida, in his official capacity, and the corporate seal of the town of Perry, Florida, shall be affixed to such note or other obligation. And the said note or other obligation shall then become a valid, legal and binding obligation on

Town of Perry authorized to borrow money.

May borrow money upon a two-thirds vote of members of Council. etc.

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the town of Perry, Florida, and shall bind the said town of Perry, Florida, the same as though an election was held for the purpose of determining whether or not the town should borrow money and the result of such election was determined favorably to the borrowing of money by the said town of Perry, Florida.

Approved May 22, 1907.

CHAPTER 5839—(No. 244).

AN ACT Providing for the Filling of Vacancies of the Town Council of the Town of Perry, Taylor County, Florida, and Providing the Terms, Conditions and Provisions Under Which Such Vacancies Shall be Filled.

Be it Enacted by the Legislature of the State of Florida:

Manner of
filling va-
cancies.

Section 1. That wherever a vacancy shall occur on the Town Council of the town of Perry, Florida, either by death, resignation or otherwise, the Mayor of the Town of Perry, Florida, is hereby authorized and it shall be his duty to appoint some good and competent person, and such person as will in his judgment be a proper person to fill such vacancy; and he shall immediately report to the Town Council of the Town of Perry, Florida, the name or names of the persons so appointed by him to fill such vacancy or vacancies, and the Town Council shall, at its next meeting after such appointment, approve and confirm said appointment or refuse to approve and confirm said appointment; and the said Town Council of the Town of Perry, Florida, shall, within five days after their approval and confirmation or refusal to confirm and approve such appointment, notify the Mayor of the said Town of Perry, Florida, of their action in the matter. If the Town Council shall approve such appointment, the person so appointed, approved and confirmed, shall become and be a member of the Town Council of the Town of Perry, Florida, and have full power and authority to fill the vacancy or vacancies and shall have authority to vote, act and do and perform all other things that other members of the Council shall have the right to do and perform; Provided, however,

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that such person or persons so appointed and confirmed shall only hold office until the next election of officers of the Town of Perry, Florida.

Sec. 2. Should the Town Council of the Town of Perry, Florida, fail or refuse to confirm or approve any appointment of any person to fill the vacancy or vacancies above provided for, said Mayor, upon being notified as provided in Section One of this act, shall immediately appoint some other person or persons to fill such vacancy, and the Town Council shall within two weeks after notice to the President of the Council of such appointment either confirm or refuse said appointment. And should the Town Council fail to approve or confirm said appointment within said two weeks on account of not taking any action in the matter, then said appointment shall be taken and held to be confirmed and approved, and the Mayor of the Town of Perry, Florida, shall continue to appoint some person or persons until the Council of the said Town of Perry, Florida, has approved and confirmed some person so appointed by said Mayor to fill the vacancy or vacancies aforesaid.

If Mayor refuses to act in the filling of vacancies he shall appoint a person to act, etc.

Sec. 3. All laws and parts of laws in conflict with this act are hereby repealed. This act shall take effect immediately upon approval by the Governor.

Approved May 22, 1907.

CHAPTER 5840—(No. 245).

AN ACT Authorizing the Town of Perry, Taylor County, Florida, to Issue the Municipal Bonds of the said Town of Perry, Florida, to the Amount of Fifteen Per Cent. of the Assessed Valuation of the Real and Personal Value of Said Property, and to Provide the Terms and Conditions in Which Said Bonds Shall be Issued.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The Town of Perry, Taylor County, Florida, is hereby authorized and empowered to issue the municipal

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Bonds not
to exceed
15 per cent.
of value of
real prop-
erty.

Must be
submitted
to a vote of
registered
voters.

bonds of the said Town of Perry, Florida, not to exceed fifteen per cent. of the assessed value of the real and personal property within the corporate limits of the said Town of Perry, Taylor County, Florida.

Sec. 2. The said Town of Perry, Taylor County, Florida, shall not have the authority to issue any bonds until the question as to whether the municipal bonds of the said Town of Perry, Florida, shall be issued or not, shall be submitted to the registered voters of the said Town of Perry, under the provisions of Section 1060, 1061, 1062 and 1064 of the General Statutes of the State of Florida.

Sec. 3. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. This act shall take effect immediately upon passage and approval by the Governor.

Approved May 25, 1907.

CHAPTER 5841—(No. 246).

AN ACT Authorizing the Town of Perry, Florida, to Assess the Real and Personal Property of the Said Town at its Full Cash Value, Regardless of What Said Property May Have Been Assessed at by the County Tax Assessor for the Preceding Year, and Authorizing the Tax Assessor of the Said Town of Perry, Florida, to Assess and Value the Real and Personal Property of the Town of Perry, Florida, at its Full Cash Value at the Time of Such Assessment, Whether Such Value is Placed by Said Tax Assessor Shall be Greater or Less Than the Valuation Placed Upon Said Real and Personal Property by the County Tax Assessor of Taylor County, Florida, for the Preceding Year.

Be it Enacted by the Legislature of the State of Florida:

Section 1. From and after the passage of this act, the Assessor of Taxes of the Town of Perry, Taylor County, Florida, is authorized and empowered and required to

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assess all the real and personal property within the corporate limits of the Town of Perry, Taylor County, Florida, at its full cash value, without regard to the valuation placed thereon by the County Tax Assessor for the previous year. Assessor to value.

Sec. 2. The Town Council of the Town of Perry, Florida, shall provide a uniform and equitable equalization of the valuation of all the taxable property of the Town of Perry, Florida. Equalization.

Sec. 3. All property exempt from taxation under the laws of the State of Florida is hereby declared to be exempt from taxation under the laws of the State of Florida. Exemption.

Sec. 4. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 25, 1907.

CHAPTER 5842—(No. 247).

AN ACT to Amend Section 8 of Article 3 of Chapter 5359,

Laws of Florida, Being An Act Entitled "An Act to Organize a Municipal Government for the Town of Perry, and to Provide for Its Government."

Be It Enacted by the Legislature of the State of Florida :

Section 1. That Section 8 of Article 3, Laws of Florida, be, and the same is, hereby amended so as to read as follows :

Sec. 8. That the Mayor and Town Council, within the limitation of this act, have power by ordinance to levy and collect taxes upon all property and privileges taxable by law for State purposes; to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations to prevent the introduction of contagious diseases into the town, and to make quarantine laws for the purpose and to enforce the same Powers of Mayor and Council.

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Powers of
Mayor and
Council.

within two miles of the town; to establish hospitals, jails, houses of detention and correction, and to make regulations for the government of the same; to make regulations to secure general health of the inhabitants and to prevent and to remove nuisances; to provide the town with water, by waterworks within or beyond the boundary of the town; to provide for the prevention and extinguishment of fires, and to organize and establish fire departments; to provide for lighting the town by gas or other illuminating material or in any other manner; to make appropriations to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair, streets, alleys and sidewalks; to erect and establish and keep in repair culverts, sewers and gutters; and to make appropriations for lighting the streets and public buildings and for the erection of all buildings necessary for the use of the town; to have full power and authority to levy and collect any amount of occupational on any business they may see fit, not to be less than fifty per cent of the State tax; to license, tax and regulate auctioneers, taverns, peddlers, retailers of liquor or other intoxicating beverages; to license, tax and regulate all privileges taxable by the State; to license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the town; to regulate, license, suppress or prohibit any theatrical and other exhibition, show, circus, parade and amusement; to establish and operate a dispensary in said town when in their judgment the best interest of the town demands it; to provide by ordinance and resolution all necessary regulations for the establishing and operating said dispensary when a majority of the said Council shall favor the same, and that all profits arising out of or from said dispensary after the paying of the State and county tax required by law for selling intoxicating liquors shall go to the town for the improvement of said town by order of the Town Council; and, Provided further, That when the Town Council decides to establish the said dispensary that they shall not be required to do anything more than to pay the said State and county tax as may be required by law; Provided further, That this authority shall in no way conflict with the local option law now in force; to regulate or prohibit or suppress all gambling houses,

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Powers of
Mayor and
Council.

bawdy and disorderly houses and obscene pictures and literature; to regulate and license the sale of firearms and to suppress the carrying of concealed weapons; to regulate and establish markets; provide for the arrest, imprisonment and punishment of riotous and disorderly persons within the town, by day or by night, and for punishment of all breaches of peace, noise, disturbance and disorderly assemblies; to pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation; to impose penalties upon the owners, occupants or agents of any house, walk or sidewalk or other structure which may be dangerous or detrimental to the citizens, unless after due notice in the manner to be provided by ordinance the same to be removed or repaired; to provide for inclosing and improving and regulating all public grounds belonging to the town, in or out of the corporate limits; to provide for the appointment of a police force, and to impose fines, forfeitures, penalties and terms of imprisonment, at hard labor or otherwise, for a breach of any town ordinance, but no penalty shall exceed three hundred dollars, and no term of imprisonment shall be for a longer term than three months for the same offense; to regulate and provide for the construction or paving of streets, and for the construction and repair of sidewalks and foot pavements; to provide for the construction of sewers and drains, and for keeping them in repair, and to assess thereupon the property which shall be especially benefited by the improvement, in proportion to the amount of such benefit or upon the abutters in proportion to the frontage, or upon the lands drained thereby which receive a benefit; the reasonable cost of such construction and repairs shall be equally assessed against said property, and shall be a lien thereon, and enforced by suit in any court having jurisdiction; to take all appropriate grounds for widening streets or any part thereof, or for laying out new streets or avenues when the public convenience may require it, and to assess the cost and expense of the same upon the property especially benefited thereby in the manner herein last provided in the case of sewers and drains.

Sec. 2. That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

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Sec. 3. This act shall take effect upon its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5843—(No. 248).

AN ACT to Legalize and Validate an Ordinance of the Town of Plant City, Florida, Entitled an Ordinance to Provide for the Issuing of Bonds by the Said Town of Plant City, Fla., in the sum of Twenty-five Thousand (\$25,000.00) Dollars for the Purpose of Acquiring, Owning and Operating a System of Waterworks in Said Town, and for the Sum of Five Thousand (\$5,000.00) Dollars, for the Purpose of Owning, Operating and Maintaining a System of Sewerage in Said Town, and Providing for the Issue and Sale of Said Bonds and for the Expenditure of the Proceeds of the Sale of Such Bonds, Passed by the Council of the Town of Plant City, Fla., on the 1st Day of January, 1907, and Approved by the Mayor of the Town of Plant City, Fla., on the 1st Day of January, 1907, and to Legalize and Validate the Special Election Held on the 2nd Day of March, 1907, by the Qualified Electors of the Town of Plant City, Fla., Under the Provisions of the Said Ordinance, and to Legalize and Make Valid Any and All Bonds Issued by the Town of Plant City, Fla., Under Said Ordinance and the Proceedings and Resolutions of the Council of the Said Town Under Said Ordinance.

Be It Enacted by the Legislature of the State of Florida:

Ordinance
declared
legal and
valid.

Section 1. That an ordinance of the town of Plant City, Fla., entitled an Ordinance to provide for the issuing of bonds of the town of Plant City, Fla., in the sum of twenty-five thousand (\$25,000.00) dollars, for the purpose of acquiring, erecting, constructing, installing, building, owning and operating a system of waterworks

1907.

in said town, and in the sum of five thousand (\$5,000.00) dollars for the purpose of installing, building, owning, operating and maintaining a system of sewerage in said town, and providing for the expenditure and disbursing of the proceeds received from the sale of said bonds passed by the Council of the town of Plant City, Fla., on the 1st day of January, 1907, and approved by the Mayor of the town of Plant City, Fla., on the 1st day of January, 1907, be, and the same is, hereby declared legal and valid; and that the special election held in the town of Plant City, Fla., by the qualified electors of said town, on the 2nd day of March, 1907, as provided for by the said ordinance, be, and the same is, hereby declared legal and valid; that negotiable bonds of the town of Plant City, Fla., which shall be the direct and absolute obligations of the said town may be issued to the amount of twenty-five thousand (\$25,000.00) dollars, for the purpose of acquiring, erecting, constructing, installing, building, owning and operating a system of waterworks in said town, and in the sum of five thousand (\$5,000.00) dollars, for the purpose of installing, building, owning, operating and maintaining a system of sewerage in said town as provided for in said ordinance, in such form and containing such recitals and provisions as the Council of the town of Plant City, Fla., may, by resolution, determine or have heretofore, by resolution, determined; and that any and all such bonds of the town of Plant City, Fla., issued, or which may hereafter be issued by the town of Plant City, Fla., under said ordinance, and in pursuance of the ratification of said ordinance, by the special election held on the 2nd day of March, 1907, be, and the same are, hereby declared legal and valid, and said bonds shall not be held invalid on account of any irregularity, defects or imperfections whatsoever, in the proceedings taken or to be taken by the town of Plant City, Fla., in the issuing of said bonds, or the issuing of the said bonds in excess of any amount limited by the laws of Florida, at the time of the election aforesaid, or the passage of the ordinance aforesaid, and all the defects or other irregularities in such proceedings, or issuing of said bonds in excess of any limit of indebtedness that may be prescribed by the laws of Florida, at the time of the holding of the election aforesaid, or the passage of the ordinance aforesaid, are hereby cured and the issuing and sale of said bonds as pro-

Ordinance
declared
legal and
valid.

Election de-
clared valid.

Bonds legal-
ized, etc.

1907.

vided for by said ordinance, are hereby authorized and permitted.

Sec. 2. All acts and parts of acts in conflict with this act be, and the same are, hereby repealed and no proceedings for the issue and sale of said bonds shall be required other than as provided in said ordinance and in this act.

Sec. 3. This act shall take effect immediately upon its passage and approval by the Governor, or its becoming a law without such approval.

Approved May 13, 1907.

CHAPTER 5844—(No. 249).

AN ACT to Abolish the Present Municipal Government of the Town of Quincy, in the County of Gadsden, and State of Florida, and to Establish, Organize and Constitute a Municipality to be Known and Designated as the City of Quincy, and to Define its Territorial Boundaries, to Provide for its Jurisdiction, Powers, and Privileges.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the present municipal government of the town of Quincy is hereby abolished.

Sec. 2. That the municipality to be known and designated as the City of Quincy is hereby established, organized and constituted in the County of Gadsden, and State of Florida, the territorial boundaries of which shall be as follows:

**Territorial
boundaries.**

Begin at a point one-third of one mile east of the center of the courthouse square in said town, run thence north one-half of one mile; thence west one and one-half miles; thence south one mile; thence east to a point one-half of one mile south from the point of beginning; thence north to the point of beginning.

Sec. 3. That no obligation or contract of said munici-

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pality shall be impaired by this change, but all debts, contracts and obligations shall be obligations upon and enforceable against the new municipality.

Obligations,
etc., not im-
paired by
act.

Sec. 4. That the title, right and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action held or owned by the said municipality of the Town of Quincy, shall pass and be vested in the municipal corporation hereby organized to succeed such municipality.

Succession.

Sec. 5. That said corporation shall have perpetual suc-
cession, shall sue and be sued, plead and be impleaded,
and shall have a common seal, which may be changed by
the City Council at pleasure.

Succession.

Sec. 6. That said corporation may purchase, lease, re-
ceive and hold property, real and personal, within said
city; and may sell, lease or otherwise dispose of the same
for the benefit of the city, and may purchase, lease, re-
ceive and hold property, real and personal beyond the
limits of the city, to be used for the burial of the dead,
for the erection of waterworks, and electric-light plants,
for the establishment of poor-houses, pest-houses, houses
of detention and correction, for public parks and prom-
enades, and for other public purposes, that the Mayor and
Council may deem necessary and proper; and may sell,
lease or otherwise dispose of such property for the benefit
of the city to the same extent as a natural person may;
and the City Council may prescribe by ordinance the
manner of making such conveyance.

Powers
of the
corporation.

Sec. 7. That the corporate authorities of said muni-
cipality of the City of Quincy shall be vested in a Mayor,
City Council, Clerk, Tax Assessor, Tax Collector, Treas-
urer, Marshall, Board of Public Works, Board of Health,
Board of Equalization of Taxes, and such other officers as
may be provided for by ordinance; Provided, however,
the offices of Clerk, Tax Assessor and Tax Collector may
be filled by one person. No person shall be eligible to fill
any of the aforesaid offices, who shall not be a citizen of
the State of Florida, and who shall not be a resident and
legal voter of said corporation.

Corporate
authorities.

Sec. 8. There shall be elected by the qualified voters of
the said municipality a Mayor, a City Council, a Mar-
shal, and a Treasurer, who shall hold their respective

Officers.

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offices for two years and until their successors are elected and qualified.

Mayor.

Sec. 9. The Mayor shall be elected by the qualified voters of the city on the first Tuesday in November, A. D. 1907, and biennially on the same day thereafter. His compensation shall be fixed by Council, but shall not be changed during his term of office. The annual election shall be on the first Tuesday of November in each year.

**In absence
of Mayor.**

Sec. 10. In case of the absence of the Mayor, the President, or in his absence, the Acting President of Council, shall discharge the duties of the Mayor, and receive the Mayor's salary for the time of his absence. In case the Mayor's office is vacated, the President, or in his absence, the Acting President of the Board of Council shall discharge the duties of said office until a successor shall be elected by the City Council.

**Powers,
duties, etc.,
of Mayor.**

Sec. 11. The Mayor shall have power to preserve peace within the city; to bid in property for the city at all tax sales and judicial sales and sales under process of law, when the city is a party; direct and control the police force of the city; to make pro tempore appointments; to fill vacancies caused by sickness, absence or other disability of any city officer; and to suspend any city officer for misconduct in office or neglect of duty, reporting his actions, with his reasons therefor, in writing to the next meeting of the City Council for its approval or rejection; but he shall not have power to suspend or to fill vacancies in members of the Board of Public Works, members of the Board of Equalization of Taxes or of the City council. He may, whenever in his judgment the good of the city requires it, call special meetings of the City Council, and when so called, he shall state by message the objects for which it shall have been convened, and the business of such meetings shall be restricted to the objects stated. He shall have general supervision and control over all city officers (but not over members of the City Council, Board of Public Works, or Board of Equalization of Taxes); and with the same exception, may at all times examine into the conditions of their respective offices, the books, papers and records therein, and the manner of conducting their official business, and may call upon any officer, clerk or deputy for information in relation to any matter pertaining to his office. He shall carefully examine all bills passed, and should any not meet his approbation,

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he shall return the same to the next regular meeting of the City Council with his objections in writing. He shall be required to veto only such features in a bill as he may deem objectionable, and may approve the residue of the same bill. At least once in every three months, he shall cause to be presented to the City Council a full and complete statement of the financial condition of the city. He shall communicate from time to time to the City Council such information and recommend such measures as may in his judgment tend to the improvement of the finances and to the general interest of the city, and shall report to the City Council all violations or neglect of duty on the part of any city officer which may come to his knowledge. He shall take care that all laws and ordinances concerning the city are duly respected and observed in the city and on its property outside of the city, and shall perform such other duties as may by ordinance of the City Council be required of him. He shall cause all ordinances passed by the City Council to be published immediately in one of the city newspapers. No ordinance shall take effect until so published.

The Mayor may be impeached by the City Council for misfeasance, malfeasance or nonfeasance in office, for drunkenness, habitual intoxication or gross immorality, and two-thirds vote of the City Council concurring, may be removed. Impeachment of Mayor.

He shall have jurisdiction for the trial of all offences against the ordinances of said corporation. He shall have power to have brought before him any persons or person charged with a violation of an ordinance of said corporation; and shall have power to require the attendance of witnesses for and against the accused; to administer oaths, to take affidavits and to inquire into the truth or falsity of all charges preferred; to enforce the same; to release persons convicted by him, and to have and exercise all powers incident and usual to the enforcement of his jurisdiction. Jurisdiction, etc., of Mayor.

Sec. 12. The City Council shall be composed of six Councilmen, who shall be elected for a term of two years, at a general election to be held therein by the qualified voters of said corporation. Council.

Three Councilmen shall be elected at the first general election held under the provision of this act in A. D. 1907. Election of Councilmen.

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Vacancies.

Three Councilmen shall be elected at the general election held under the provisions of this act in A. D. 1908. The office of any Councilman removing from the city shall be vacated. All vacancies occurring in terms in said Board shall be filled by the vote of the majority of the remaining members. The members shall elect annually one of their own number to be their presiding officer, who shall be called the President of the Council, and shall have the power to enforce such rules as may be adopted by the Board for its government.

**Rules re-
garding
members of
Council**

The City Council may determine its own rules of proceedings, and prescribe the punishment of its members for non-attendance or disorderly conduct; it may expel a member for non-attendance or other improper conduct while in office.

**Transaction
of business
and attend-
ance of
members of
Council.**

A majority of the members of Board shall be required to form a quorum for the transaction of any business, but a smaller number may adjourn from day to day, and, under the provisions of an ordinance, may compel the attendance of absent members by fines and penalties. To enable the City Council to fully investigate charges against its own members or other officers, or such other matters as they may deem proper, the Mayor or President of the City Council, at the request of a majority of the members of the City Council, shall issue subpoenas and compulsory process to compel the attendance of persons and production of books and papers before the City Council, and the Mayor or President of the City Council shall have power to administer oaths.

Meetings.

The City Council may hold meetings at such times as it may determine, but not less than one regular meeting each month.

**Passage of
ordinances.**

Sec. 13. No bills shall become a law without first having been passed on three several readings by a majority vote, on which readings a majority of the whole number of members of the Board shall be required, nor until said bill shall have been signed by the Mayor, except it may be passed without his signature, as herein provided.

**Veto and
approval,
etc., of or-
dinances.**

Sec. 14. No ordinance or portion of an ordinance vetoed by the Mayor shall go into effect unless the same be passed by a two-thirds vote of the whole number of members of the City Council. If the Mayor fails to return any

ordinance at or before the next regular meeting after its passage, he shall be deemed to have approved the same, and it shall become a law without further action.

Sec. 15. The Mayor and City Council shall have power and are hereby authorized to create such offices as may be necessary for the good government of the city (not in conflict with nor to interfere with, the duties of officers and appointees provided for in this act) whose compensation shall be fixed by the City Council before their election or appointment. The Mayor and City Council shall have power to abolish at any time any office created by them, but shall not abolish any office created under this act. All elections by the City Council shall be viva voce on the call of the roll.

Power of Mayor and Council to create offices.

All offices created by this act, or created by city ordinance, and appointees of the Board of Public Works shall be required to give bond as the Mayor and Council may, by ordinance, provide, and the Board of Public Work may demand of its employees, appointees and artisans such bond as it shall deem fit, in case there is no ordinance of the Mayor and City Council requiring such bond. Every officer before entering upon the duties of his office shall take oath to faithfully and impartially perform the same.

Officers required to give bond.

Sec. 16. The Mayor and City Council shall within the limitation of this act have power by ordinance to levy and collect taxes upon all property and privileges taxable by the law of the State for State purposes; to appropriate money and provide for the payment of the debts and expenses of the city; and also for the debts of the municipal corporation of which said city is the successor; to make regulations to prevent the introduction of contagious diseases in the city; to make quarantine laws for that purpose, and to enforce the same within three miles of the city, to establish hospitals, jails, houses of detention and correction, and make regulations for the government thereof; to make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

Powers of Mayor and Council.

Sec. 17. The City Council shall have power by a majority vote of the council in regular session to borrow money for the use of the city in any amount not exceeding three thousand dollars, and pledge the funds, credit and property of the corporation for the redemption of such loans,

Power of Council to borrow money, etc.

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Powers of
Mayor and
Council.

the President of the City Council shall execute in the name of the city, such evidence of indebtedness for the security of said loans. When the City Council desires to borrow money in excess of three thousand dollars, the same shall be authorized in the manner now provided by the general statutes of the State of Florida Section 1060.

Sec. 18. The Mayor and City Council shall have power, by ordinances, to provide for the cleaning and keeping in good sanitary condition any and all premises within the limits of the city; to regulate the construction, location and arrangement of earth closets and privies; to let by contract or create a special department for the removal of all excrements and filth from privies and earth closets; to compel the owners or occupants of premises to provide buckets or other receptacles as may be deemed necessary; and to make the actual expense of the measure contemplated in this section, including the expense of removal of the excrements and filth and the cleaning of the earth closets, privies and receptacles, a special tax and lien upon the premises, and to enforce the payment thereof in the same manner as is or may be provided by law for the enforcement of the payment of other taxes levied upon said premises; to provide the city with water by water-works within or beyond the boundaries of the city; to provide for the prevention and extinguishment of fires and to organize and establish fire departments; to prescribe fire limits; to provide for lighting the city by electricity, gas or other illuminating material, or in any other manner; to make appropriation to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair, streets, alleys and sidewalks; to erect, establish, and keep in repair, bridges, culverts, sewers, and gutters; to make appropriations for lighting the streets and public buildings necessary for the use of the city; to license, tax and regulate auctioneers, taverns, peddlers and retailers of liquors, pool-tables, billiard-tables, ten-pin alleys, and like contrivances and all other privileges taxable by the State; to license, tax and regulate hackney, carriages, carts, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and of property within the city and to the public works and property without the city limits; to regulate, license, or prohibit and suppress theatrical and other exhibitions, shows, parades, and amusements; to define vagrants and prohibit vagrancy and punish same; to pro-

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Powers of
Mayor and
Council.

hibit and suppress all gambling houses, bawdy and disorderly houses and obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fires, and to regulate and license the sale of firearms and suppress the carrying of concealed weapons; to regulate the storage of gun-powder, tar, pitch, rosin, salt-peter, gun-cotton, coal-oil, and all other combustible, explosive, and inflammable material, and the use of lights, candles, lamp and steam pipes in stables, shops and other places; and to regulate and suppress the use and sale of firecrackers and other fireworks and toy pistols; to establish standard weights and measures to be used in the city, and to appoint a sealer of standard weights and measures, who shall have exclusive jurisdiction within the city; to provide for the inspection and measuring of lumber and other building material; to provide for the inspection and weighing or measuring of coal, wood and other fuel, hay, corn and other grains; to provide for and regulate the inspection of beef, pork, flour, meal and all other provisions, oils, whiskey and other spirits in barrels, hogsheads and other vessels; to regulate the vending of meat, poultry, fish, fruits and vegetables; to restrain and punish the forestalling and regrading of provisions, and to establish and regulate markets; to provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the city, by day or by night, and for punishment of all breaches of the peace, noise, disturbances and disorderly assemblies; to pass all ordinances necessary for the health, convenience and safety of the citizens; and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation; to impose penalties upon the owners, occupants or agents of any house, walk or sidewalk, or other structure, which may be considered dangerous or detrimental to the citizens, unless after due notice to be fixed by ordinance, the same be removed or repaired; to regulate, tax, license, or suppress the keeping and going at large of all animals within the city, to impound the same, and in default of redemption in pursuance of ordinance, to sell, kill or otherwise dispose of same; to provide for inclosing, improving and regulating all public grounds belonging to the city in or out of the corporate limits; to provide for the appointment of a police force; to impose fines, forfeitures, penalties and terms of imprisonment for a breach of any city

1907.

Powers of
Mayor and
Council.

ordinance, but no penalty shall exceed five hundred dollars, and no terms of imprisonment shall be for a longer term than ninety days for the same offense; to regulate, provide for, and require and compel the construction and repair of sidewalks, awnings, and foot pavements, after a certain number of days notice, which time is to be fixed by ordinance of the City Council, the city shall order the same to be repaired, and the expense of said repairs shall be a special tax and lien upon the premises, and shall enforce the payment of said expense of repairing in the same manner as is or may be provided by law for the enforcement of the payment of other taxes levied upon said premises; to regulate, require and provide for the opening, grading paving, improving and repairing of any and all streets; to regulate, require and provide for the construction, maintenance and repair by railroad companies of elevated bridges or viaducts along and across their track; to regulate, require and provide for the construction and beautifying of the streets of the city by laying off uniform sidewalks and setting of curbing, and the planting and the caring for the trees, shrubs and grass, and making and maintaining of lawns and parks in the streets and public places of the city in front of lots and blocks; to compel owners of buildings to erect fire escapes when necessary; to regulate and provide for the erection, removal, repair and alteration and condemnation of buildings, the setting of steam boilers, building of furnaces, heating buildings by steam, setting ranges and all such matter as may tend to the prevention of conflagrations and the protection of life and property within the city; to grant the right of way and franchises through the streets, avenues and squares of the city for the purpose of street or other railroads, telephones and telegraph companies; to take and appropriate grounds for widening streets or parts thereof, or for laying out new streets, avenues, squares, parks or promenades, when the public convenience may require it, provided the owner or owners thereof shall receive compensation for the same; and to provide for the construction of sewers and drainage, and for keeping them in repairs, and to assess the expenses of the property that shall be especially benefitted by the improvement in proportion to the amount of such benefit; or upon the abutters in proportion to frontage, and upon all land drained thereby and which receives the benefit; Provided, the Council may, by ordinance or resolution, provide for

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the payment of any cost of such work or improvement out of the general tax; the reasonable cost of such construction, improvement or repairs shall be equally assessed against said property, and shall be a lien thereon, and be enforced by a suit in any court having jurisdiction; to require parties or their agents owning property within the city to bring the same to a grade of topographical level by filling or excavating as shall be deemed necessary, the city having and exercising the same right of lien and its enforcement, as provided in case of sidewalk, awnings and foot-walks when said work of filling or excavating shall be done by the city,

Sec. 19. The Council shall receive no pay for their services. Shall receive no pay.

Sec. 20. It shall be the duty of the City Council each year to agree upon a budget of expense for the ensuing year, which budget shall designate the regular officers of the incorporation for the ensuing year, with the salary of each, as provided for by this act, and under general heads, such as streets, fire departments, electric lights, water and police, the subject of corporation expenditure, for each purpose; this budget shall be published in a newspaper published in Quincy, or by posting at three conspicuous places, if the Council should so elect. Budget of expense.

Sec. 21. That the Council shall, by ordinance or resolution, determine the standing committees, the number of each, and shall designate the character and duties of each; the President of the Council shall appoint said committees annually, as soon after organization as practicable. Committees.

Sec. 22. Whenever it shall be deemed advisable to issue bonds for any purpose or purposes hereinafter named for raising money to be used in constructing or maintaining waterworks; for the purpose of constructing or maintaining gas or electric light works, or other illuminating works; for the purpose of constructing and maintaining a system of sewerage, or otherwise promoting the health of said municipality; for the purpose of widening, opening and paving the streets and sidewalks of said municipality, and for opening, constructing or maintaining public parks and promenades; for the purpose of erecting schoolhouses and maintaining a system of public education in said municipality, for the purpose of establishing and maintaining a fire department in said municipality; for the purpose Bond issue authorized.

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of erecting and maintaining buildings for the use of said municipality; for the redemption of bonds outstanding; and for any one or more of said purposes; the Mayor and City Council are hereby authorized to issue bonds of said municipality under the seal of the corporation, to an amount not to exceed fifteen per cent of the assessed value of the taxable property within the limits of said corporation, said value to be determined by the annual returns of the calendar year immediately preceeding the year in which the bonds are issued, signed by the Mayor, countersigned by the President of the City Council, and attested by the Clerk, with interest coupons attached, which shall be signed in like manner; Provided, however, that before said bonds shall be issued, the issuance of said bonds shall be approved by an affirmative vote of two-thirds of the electors voting at any election to be held for that purpose, which election shall be regulated by ordinance as to manner of conducting or certifying same, after the same has been advertised for not less than thirty days in a newspaper published in said Quincy, Florida, and at which election only resident electors otherwise qualified, who shall own real estate in their own right within the incorporate limits and who were qualified legal voters at the last general election, shall be entitled to vote. The bonds herein provided for shall in no case be sold at a greater discount than five per cent of their par value, and shall not bear a greater interest than five per cent per annum.

Council shall
offer bonds
for sale.

Sec. 23. It shall be the duty of said City Council, as soon as the bonds herein authorized have been executed, to offer the same for sale by notice, stating the amount of bonds for sale, the rate of interest, and when the same shall become due and payable, advertised in a newspaper published in Quincy, Florida, and also in not less than two other newspapers in cities reputed to be money centers, if deemed necessary.

Bids for sale
of bonds.

The City Council shall receive bids for the purchase of said bonds, or any part of the same. The City Council shall have the right to reject any and all bids, and re-advertise the bonds or any portion of same, remaining unsold. A bank or banks or other depositories to be designated by the City Council, shall receive and be custodian of said bonds and all money arising from the sale of said bond or bonds.

Depository.

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Sec. 24. The City Council shall advertise for bids for work to be done for which bonds are issued, making contracts with the lowest responsible bidder, who shall himself give bond for the faithful performance of his work; but the said City Council shall have the right to reject any or all bids received; they shall personally or through proper agents, select all material and have full supervision and charge of the carrying out of the work for which bonds are issued, and shall audit all accounts connected with such work, and pay the same by check on the bank or depository handling the proceeds derived from the sale of said bond; the checks shall be signed by the President of the City Council and countersigned by the Clerk of the City of Quincy.

Bids and bonds for work to be done, and supervision of such work.

Sec. 25. In the event there remains in the bank or banks, or other depository, an unexpended balance of money that was received from the sale of bonds after the work entrusted to them has been completed, the City Council shall invest such balance in such interest bearing securities as they may select, to be approved by the Mayor, and such securities shall be turned over by them to the City Treasurer, who shall receive and give his receipt for the same, and such securities shall remain in the hands of the City Treasurer, and the proceeds thereof be applied to the payment of the bonds or the interest thereon, as directed by resolution of the Council.

Disposition of unexpended balance.

Sec. 26. That the adverse results of an election to determine the question of the issuance of bonds for any one or more of the purposes mentioned in this act, shall not debar the then existing Council or any subsequent Council from re-submitting the same question to the legal voters of the city after the lapse of one year, but the question on bonding for any other purposes not already voted upon can be submitted to the vote of the people, whenever, in the judgment of the Council, it may be considered advisable.

Issuance of bonds may be re-submitted when voted down.

Sec. 27. There shall be elected by the City Council at its first meeting after each annual election, as aforesaid, a Tax Assessor, who shall hold office for the term of one year and until his successor is elected and qualified, whose duty it shall be to assess all the property, both real and personal, within the limits of the city, between the first

Tax Assessor, his duties, etc.

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day of January and the first day of April in each and every year. The manner in which he shall perform his duty shall be fixed by ordinance of the City Council; he shall give bond for the faithful performance of his duties, with securities to be approved by the City Council. He shall be clothed with authority to administer oaths or affirmation in the listing of property for taxation the same as County Assessors are authorized by general law. He shall receive such compensation as the Council may fix.

Assessment of property.

Sec. 28. The Tax Assessor shall assess all the property, real and personal, subject to taxation for State and county purposes within the corporate limits, and place valuations on real estate or personal property, regardless of the assessment made by the County Tax Assessor, but in no case shall the valuation of said property for purposes of taxation exceed its actual cash value.

Tax returns.

Sec. 29. All persons, corporations or firms owning real estate or personal property in said city are required to make return of same to the City Assessor before the first day of June in each year, and upon failure to make such return, the Assessor shall assess any property in the name of the owner, or as unknown, and in no case shall the assessment or taxes thereon be held invalid or not lawfully made or enforced payment of the taxes thereon to be resisted by reason of such property being assessed otherwise than in the name of the real owner; Provided, that Assessor can not find, does not know, and has no reasonable means of ascertaining the name of the real owner.

Proviso.

Descriptions of property.

Sec. 30. Real estate shall be described by lots and blocks, when so platted, or by section, township and range, when the same is not platted in lots and blocks or in parts or fractions of either, or by metes and bounds, when such land is so described by owner or agent, the lots and subdivisions of a block belonging to one owner and lying contiguously may be assessed together and the tax extended on one line.

Real estate responsible for personal property, and vice versa.

Sec. 31. The assessment of personal property shall be separate from real estate, but personal property shall be responsible for the taxes on real estate, and real estate shall be responsible for taxes on personal property. The

words "personal property" shall be sufficient designation of personal property for the purposes of city taxation, when the same is not otherwise described.

Sec. 32. If the Assessor shall in making his assessment discover that any real estate was omitted from the assessment roll of either or all of the previous three years, or that any real estate was illegally sold for taxes for any such year or years, and shall then be liable for taxation, he shall, in addition to the assessment of such real estate for the current year, assess the same for such year or years omitted from taxation or so illegally sold, noting such separate assessment on the assessment roll for the current year, and the same shall have the force and effect it would have had if properly made in such previous year or years, and the taxes shall be levied and collected thereon in like manner, together with the taxes for the year, when the assessment is made, and all real estate shall be so subject to such arrears of taxes into whosoever hands it may come.

Erroneous sales and assessments.

Sec. 33. It shall be the duty of the Tax Assessor to complete the assessment roll on or before the first Monday in August in each year, or as soon thereafter as practicable; on such day or as soon thereafter as possible, he shall meet the Board of Equalization of Taxes for the purpose of reviewing and equalizing said assessment. Before making an increase of valuation of any property on the assessment roll, the Board of Equalization of Taxes shall give notice of such increase in valuation to the owner or agent of such property, not less than ten days, and reasonably describe the property intended to be raised in valuation. Any person interested in said property shall have the right to appear before said Board and shall show cause why said valuation shall not be increased either by attorney or in person.

Equalization of assessments.

Sec. 34. After the review and equalization of said assessment roll, the Board of Equalization of Taxes, and the Tax Assessor shall make and attach to the assessment roll as returned to the Council the following affidavit:

State of Florida, Gadsden County, personally appeared before me, members of the Board of Equalization of Taxes, and Tax Assessor of the City of Quincy, who being duly sworn, say, the annexed list

Affidavit.

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contains a true statement and description of all the property in the City of Quincy subject to taxation, or liable to be assessed therein, and the cash valuation thereof is just and correct so far as we have been able to ascertain.

Members of the Board of Equalization of Taxes.

Tax Assessor.

Sworn to and subscribed before me this the day of A. D. 19..

Amount to
be raised by
tax.

Sec. 35. After review of the assessment roll as returned by the Board of Equalization of Taxes and Tax Assessor, the City Council shall determine the amount of money to be raised by tax for general city purposes, which shall not be more than twenty mills on the dollar on the total value of the real and personal property of said city.

Council may
levy an addi-
tional tax.

The City Council may levy an additional tax as may be necessary for school purposes, for water and fire protection, for building purposes, for laying out, paving, and improvement of streets, parks, and sidewalks for the lighting of the city with electricity, gas, or other illumination, and for sewerage, by a majority vote of the members of the Council in regular session, and without notice of intention to levy said additional tax. A levy for the interest on bonds issued by the city, and a sinking fund to pay principal thereof, shall also be made each year.

Duty of
Assessor.

Sec. 36. The Assessor shall immediately thereafter calculate and carry out the several assessments of taxes as so levied, properly designating the several levies in the separate columns prepared for that purpose, rejecting fractions of a cent.

Duty of
Assessor.

He shall add up all columns of assessment of values and taxes levied as shown on the roll, and make recapitulatory tables thereof. He shall make a copy of said assessment roll when completed and to the original copy shall attach his certificate in substance as follows:

I,, the Assessor of Taxes for the City of Quincy, do hereby certify that the foregoing is the as-

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assessment roll of the taxable property of said city, valued at its fair cash value and that it contains a true statement and description of all property in said city subject to taxation by said city, or liable to be assessed therein; that the list and valuations in said roll show correctly and accurately the listing and valuation as corrected by the Board of Equalization of Taxes of the said city, and accepted, approved and adopted by the City Council; and that all the requirements of the laws and ordinances regulating the making of the assessment roll for said city have been complied with,

Assessor's certificate.

Dated,,

Tax Assessor of City of Quincy.

Sec. 37. On the first Monday in November, or as soon thereafter as is practicable, the Council shall examine the original and copy thereof, and if found correct, shall so certify on each roll, which certificate shall be signed by at least a majority of said Council.

Duty of Council.

The Assessor shall then attach to the original the following warrant:

To, the Tax Collector of the City of Quincy: You are hereby commanded to collect out of the property, and from each of the persons, firms and corporations named in the annexed assessment roll, the taxes set down on said roll opposite each name or parcel of land therein described, and in case the taxes so imposed are not paid at the time prescribed by law, you are to collect the same in manner as is prescribed by law, and all money collected you are to account for to the Treasurer of the City of Quincy. You are further required to make all collections, and reports, and a final report to and settlement with, the City Council of said city as required by law and ordinances.

Assessor's warrant.

Given under my hand and seal this, the day of A. D. 19..

Tax Assessor of City of Quincy.

Sec. 38. All taxes (except license taxes) shall be due and payable on and after the first Monday in December or as soon thereafter as the assessment roll shall come into the hands of the Tax Collector, of which he shall give immediate notice in a newspaper in the City of Quincy; and all taxes remaining due and unpaid on the first Mon-

When taxes due.

1907.

Lien, etc.

day in February thereafter shall be enforced as herein-after provided. All taxes, together with cost or legal expense shall be a lien on the real or personal property assessed, and the taxes on such shall relate back to the first day of January of the year for which the same are assessed and levied.

Tax Collector.

Sec. 39. The City Tax Collector shall be elected by the City Council at its first meeting after the general election, and shall hold his office for one year; he shall give a good and sufficient bond for the faithful performance of his duties as the Council may require; his bond shall be approved by the Council before the Collector shall enter upon the duties of his office; his compensation shall be fixed by the City Council at its first meeting and before his election. The office of Clerk, Tax Assessor, and Tax Collector, may be filled by one and the same person, and when such offices are filled by the same person, the compensation as fixed by the City Council may include all three offices.

Treatment of erroneous and omitted assessments.

Sec. 40. If the Collector shall discover, after the assessment roll comes to hand, that any property has been improperly omitted from said assessment roll, erroneously or illegally assessed, and which was subject to taxation, he shall immediately notify the Assessor, and the Assessor shall at once make the proper assessment or correction in such case or cases, and shall attach his certificate anew to the original copy of said assessment roll. Notice of such reassessed or correction shall be given personally or mailed to the owner, agent or occupant by the Assessor when practicable. The Collector shall make a proper report of any such cases to the City Council at the first meeting thereof after such discovery. The City Council may at any time correct or cause to be corrected any omission of errors in the city assessment roll.

Tax sale.

Sec. 41. If the taxes on any real estate remain unpaid on the first day of February, the Collector shall advertise and sell the same at the door of the county courthouse in the City of Quincy in the manner and form that is or may be provided by the State Revenue Law, as far as same can conveniently be followed, except as otherwise provided herein. The Council may contract for publication of notice of any city tax sale, or shall post same in at least three conspicuous places in said city, which said notice shall be similar in form to that prescribed by the State,

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and proof of the publication or posting of such notice, with a copy of said notice as published or posted, shall be made by some authorized person connected with the newspaper making the same, or by the city official posting the same, and filed with the City Clerk, who shall carefully preserve the same. A substantial compliance with the manner and form of the sale for taxes referred to shall be sufficient. Any property erroneously sold may be reassessed, as hereinbefore provided, or may be readvertised and resold; but only the charges and cost for one sale shall be charged against said property; the Collector shall give the purchaser of any property at any such tax sale a certificate of such sale in usual form, and such certificate shall be subject to assignment or transfer by endorsement upon the back of certificate.

Tax sale,
etc.

Sec. 42. The Collector shall make out a list in duplicate of all lands sold by him, giving name of owner, if so assessed, description of land, name of purchaser, the amount sold for, together with the date and place of sale, and shall append to each his official certificate that such sale was made according to law.

Lists and
certificates
of lands
sold, etc.

One such list shall be filed with the City Clerk and one with the Clerk of the Circuit Court of the county. The list filed with the Circuit Clerk shall be recorded by him in a suitable book provided by the City Council, who shall pay the usual fee for such recording. Deeds for real estate sold for delinquent taxes by the city, may be procured after the period of one year from date of sale has expired, from the Clerk of the Circuit Court in the usual form; but thirty days prior notice of application for such deed shall be given by posting at the courthouse door, and be mailed to the owner or agent of such property, if name and address are known. The Clerk of the Circuit Court shall receive one dollar for such deed, which shall be paid by the purchaser.

Sec. 43. The Collector may collect taxes remaining due on personal property on the first day of February by levy upon and sale of such property, or any part thereof; and his written description of such property, with the date of assessment and amount due, and any cost shall be filed with the City Clerk at the time of such levy. At least fifteen days notice of any such sale under such levy, giving time and place of sale, shall be given by the Collector

Collector's
duty.

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by posting in at least three public places, or by at least two insertions in some newspaper published in said city.

When such property cannot be readily moved to the place of sale at the door of the county courthouse, it may be sold where it is located in said city.

The Collector shall report to the Council his proceedings in such cases. Cost of such tax sale, as is provided in case of sale of property for taxes by the General Statutes of the State of Florida for State and county purposes, shall govern in the case of tax sales of the said corporation, and shall be taxed against the property, which cost shall be paid into the general revenue of the city.

**Redemption
of property,
etc.**

Sec. 44. The redemption of property sold for taxes may be made in such manner and form as the Council may provide by ordinance, and, in the event no such provision being made, redemption shall be made through the appropriate city officers in a manner substantially to that provided in the case of tax sale by State or county so far as the same shall be applicable.

**Power to
bid in prop-
erty for the
town.**

Sec. 45. The Collector shall have power in the absence of the Mayor to bid in, or cause to be bid in, property for the city at all tax sales and other sales under the process of law in which the city is interested.

**When cer-
tain prop-
erty vests
in city.**

Sec. 46. When land is bid off by or for the city at any tax sale and such land is not redeemed, nor the certificate of such land sold and transferred by the said city, the title to such land, pursuant to such tax sale shall, at the expiration of the time for redemption vest in said city without the issuing of a deed.

**Prior assess-
ments.**

Sec. 47. Nothing in this act shall be construed to impair the validity of any assessment of taxes by the town of Quincy prior to the passage of same, or of any tax sale made pursuant to any such prior assessment.

**Collector to
make re-
port, etc.**

Sec. 48. The Tax Collector shall pay all money collected by him for the city to the Treasurer, take receipt for same, and shall make a monthly report to the Council and make him final report before or by the first day of April each year of all money collected.

Sec. 49. The City Clerk shall be elected by the City

Council at its first meeting after the general election and shall hold office for one year.

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Clerk.

His compensation shall be fixed by the Council prior to his election. He shall attend all meetings of the City Council and shall make a true and correct record of the proceedings of the Council. He shall attest all ordinances for publication.

Compensation and duties of Clerk.

He shall draw and sign all vouchers upon the Treasurer. and shall keep a true and correct account of same.

Vouchers.

He shall prepare and submit to the City Council at its first meeting in each month a monthly statement of all finance which passes through his office.

Monthly statements.

He shall attend all meetings of the Mayor's court, and shall act as Clerk of same, and shall keep a correct record of its proceedings.

Mayor's Court.

He shall sign all license issued by the city, and shall receipt for all money paid to him for the city, and shall turn over all money paid to him as Clerk for the city to the Treasurer of the city taking Treasurer's receipt for same. He shall be the custodian of all books pertaining to his office, and the records of the city, not otherwise provided for in this act. He may administer oaths and issue warrants to the marshal to arrest offenders to be brought before the Mayor. The Clerk shall give such bond as the City Council may fix, and shall perform all duties now or may be imposed upon the Clerk by ordinance of City Council not inconsistent with the provisions of this act.

Other duties, etc., of Clerk.

He shall sign all accusations in the Mayor's court, in the form as may be prescribed by City Council, unless the defendant waives formal accusation when the Clerk, Tax Assessor and Tax Collector is one and the same person, he shall perform all the duties as herein provided for said officers.

Accusations.

Sec. 50. There shall be a Treasurer for said city who shall be elected by the qualified voters of the city at the general election to be held therein on the first Tuesday in November A. D. 1907 and biennially on the same date thereafter until the first general election shall take place under this act, the City Council at its first meeting after

Treasurer.

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the passage and approval of this act, shall elect a Treasurer to serve until the general election.

Duties of
Treasurer.

Sec. 51. It shall be his duty to receive all money due to the city and make reports thereof and its disbursements, to the City Council monthly, showing the items in detail, and to perform such other duties connected with his office as the Mayor and Council by ordinance may from time to time prescribe.

Compensation.

He shall receive such compensation as the Mayor and City Council by ordinance may fix.

Marshal.

Sec. 52. There shall be a Marshal, who shall serve for two years and until his successor is elected and qualified. He shall be elected biennially at the general election for city officers herein provided for. He shall give such bond as the Council may by ordinance prescribe. His salary shall be fixed by the City Council by ordinance before his election and shall not be changed during his term of office.

Duties of
Marshal.

Sec. 53. That it shall be the duty of the Marshal to attend all meetings (regular and special) of the City Council; to aid in the enforcement of order under direction of the presiding officer; to execute the commands of the Council from time to time, as well as of the Mayor in the line of his duty, and to execute all process issued by the authority thereof, to attend the Mayor's courts during their sittings and to execute its commands; to aid in the enforcement of order therein under the direction of the Mayor, and to perform such other duties as may be appropriate to his office under the provisions of law, or as required by ordinance. He shall have control of the police force, subject to the commands of the City Council, and shall have police powers of arrest.

Authority of
Marshal to
make arrest.

Sec. 54. That the Marshal shall have power and authority to immediately arrest, with or without warrant, and to take into custody any person or persons who shall commit, threaten or attempt in his presence or within his view, any offense prohibited by the ordinances of the city; and he shall, without unnecessary delay, upon making arrest, convey the offender or offenders before the Mayor to be dealt with according to law.

Sec. 55. That the Marshal and members of the police force, in addition to the powers incident to their office,

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and as herein designated, shall possess common law and statutory authority of constables, except for the service of civil process.

Common law and statutory authority.

Sec. 56. There shall be a Board of Public Work, composed of three members, who shall be elected by the City Council of the city of Quincy, and whose compensation shall be fixed by the City Council.

Board of Public Works.

Sec. 57. The Mayor shall not be eligible to membership of said Board of Public Work, nor shall any Councilman be eligible. Each member of the Board of Public Work shall give a bond, with not less than two sureties to be approved by the Mayor and City Council in whatever amount, as shall be fixed by ordinance, for the faithful performance of his duties and the proper disbursement of and account for all money coming into his hands, in his official capacity. Two members of said Board shall constitute a quorum for the transaction of any business. The Board of Public Work shall hold meetings at whatever time the said board may fix. It shall keep a record of its meetings, and a certified copy of the proceedings from its records, certified to by its chairman, shall be competent evidence in all courts of this State.

Members of Board to give bond.

Quorum. Meetings.

Record.

Sec. 58. The Board shall have exclusive power and control over the electric light plant and system of water works owned and operated by the city of Quincy, either within or without the corporation, and shall fix the rate for water and lights furnished for private use.

Power over electric lights and waterworks.

Sec. 59. The Board shall have exclusive power to employ such chiefs, firemen, engineers, superintendents, laborers, and other persons it may deem necessary for the execution of its duties and to fix their compensations. Any of the officers employed may be discharged at any time by the Board of Public Work at its discretion.

Power to employ.

Sec. 60. The Board of Public Work shall have exclusive power to make any improvement and expenditures within the budget, which shall cost less than \$200, but shall let all contracts of over \$200 to the lowest responsible bidder.

Power to make improvements.

Sec. 61. The Board of Public Work on or by the first day of January in each year, shall prepare and submit to the City Council an itemized estimate of the amount of

Estimate.

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money necessary and advisable in their opinion to expend in the execution of the duties entrusted to them for the ensuing year, giving in detail the plans of construction, and estimate of expenditures and salaries, etc., proposed by them with the estimated cost of each improvement or salary.

Contracts.

Sec. 62. All contracts of the Board of Public Work, shall be made in the name of the city, shall be executed in behalf of the city by the presiding officers of the Board under the seal of the corporation and be filed and recorded on the minutes of the Board.

No member shall be personally interested.

Sec. 63. No member, officer or employee of the Board, nor Mayor, nor any Councilman or other city official, shall be directly or indirectly interested in any contract or work of any kind, whatever, under the direction of the Board.

Claims.

Sec. 64. No money shall be paid at any time to any person claiming under a contract with the Board, until such person shall have first filed with the Board his statement, under oath, declaring that no person forbidden by this act has any interest in the same.

Resolution of requiring expenditure of \$500 to be submitted to Council.

Sec. 65. The Board shall submit all resolutions, declaring the necessity of improvements and expenditures over \$500 to the Council, and an ordinance authorizing such improvements over \$500 must be passed by the Mayor and City Council before the expenditures can be authorized or work done.

Removal from office.

Sec. 66. Any member of the Board may be removed from office for incompetency, neglect of duty or misconduct of office by a vote of two-thirds of all the members of the City Council. Such vacancy shall be filled by election under the same rules as govern other election of members of the Board.

Terms.

Sec. 67. The members of the Board of Public Work, shall be elected for a term of three years, and one member shall retire annually and a new member shall be elected to take his place.

Chairman.

The Board of Public Work shall elect its chairman at its first meeting, after its election.

The Board of Public Work who is, at the passage of this

act, existing in the town of Quincy, shall continue as the Board of Public Works of the City of Quincy, until the first general election, at which time, the new Council shall elect a member to fill the vacancy caused by the retiring member.

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Present Board continue in office.

Sec. 68. The Clerk of the City of Quincy, shall also be Clerk of the Board of Public Work. His duties as such clerk shall be to keep the minutes of all official acts of the Board, and to do all services pertaining to such office.

Clerk of Board

Sec. 69. The Board of Equalization of Taxes shall consist of three citizens of the City of Quincy, who have had a continuous residence in the city, not less than two years immediately preceeding their appointment; they shall be appointed by ballot by a two-thirds vote of the entire Council, and they shall hold the office for the term of two years. They may be removed from office by the Council, for neglect of duty, or malfeasance in office, and a vacancy in said Board caused by removal, death or resignation shall be filled as in like manner of original appointees. The Council may compensate the members of said Board out of the Treasury at a rate not exceeding \$3 per day to each for each day's service actually performed. Two members of the Board shall constitute a quorum.

Board of Equalization of Taxes.

The Assessor of said city shall act as Clerk of said Board.

Clerk of Board.

Sec. 70. The Board of Equalization of Taxes may, after notice and hearing of any tax payer, as herein provided, increase the assessment, if satisfied on investigation that it is too low, either on real or personal property, and the decision of the Board shall be final in all cases.

Board may raise assessment.

Sec. 71. The Board of Equalization of Taxes shall keep a full and true record of its proceedings, which is to be preserved as a part of the records of the city. The Board shall hold its meetings in the office of the Tax Assessor; it shall on the first Monday of August or as soon thereafter as possible, and continue for such time as may be necessary to complete its work, and shall transmit the assessment roll as revised and fixed by it to the Council as provided heretofore.

Record.

Meetings.

Sec. 72. All officers of the said corporation before enter-

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ing upon the duties of their offices, shall take, before some judicial officer of this State the following oath:

Oath.

"I, A. B., do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and of the State of Florida, against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same, and that I am entitled to hold office under the Constitution; that I will faithfully perform all the duties of the office of of, on which I am about to enter. So help me God."

Power of
eminent do-
main, etc.

Sec. 73. The City Council of said corporation may provide by ordinance for the condemnation of lands and their appurtenances and acquisitions of the same by the municipality under the power of eminent domain, whenever the acquisition thereof is necessary to the exercise or performance of any power or duty conferred or imposed on the municipality by this charter; and the proceedings for such condemnation shall be the same as provided by general law for condemnation of lands for public purposes.

Failure to
give bond,

Sec. 74. Should any elective or appointed officer required by this act or by ordinance to give bond, fail within fifteen days from the date of his election to give such bond as would be approved by the Mayor and City Council, his office shall be declared vacant, and shall be filled as provided by ordinance, until the next regular city election. The City Council shall by ordinance within twelve months after the passage of this act have a digest of all the ordinances prepared and printed in book form.

Elections.

Sec. 75. The City Council shall provide by ordinance for the holding of general and special elections, the return and canvassing result of all general and special elections, the appointment of clerks and inspectors of election, the registration and qualification of voters which must comply as nearly as practicable with State law governing elections. All qualified electors for State and county elections, who have resided within the incorporate limits of said corporation for one year, shall be qualified electors in said corporation.

Persons sub-
ject to work
on streets.

Sec. 76. All male inhabitants in the City of Quincy, between the ages of eighteen and fifty years, shall be subject to work on the streets of said city, for a period not

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to exceed five days in each year. Any person subject to work on the streets as aforesaid, may pay an amount in lieu thereof, as may, by ordinance of City Council, be specified.

Sec. 77. The City Council may, by ordinance, establish a city chain gang, and prescribe the rules and regulations thereof. Chain gang.

Sec. 78. That all ordinances and parts of ordinances now in force in the town of Quincy, which are not in conflict with the provisions of this act or with the Constitution and laws of the State of Florida, shall be and remain in full force and effect until repealed by the City Council or their successors in office; and all laws now in force, or that may be enacted for the government of cities and towns, except in so far as they do not conflict with the provisions of this act, shall apply to the City of Quincy. Unrepealed ordinances remain in force.

Sec. 79. That the present officers of the municipal government of the town of Quincy, shall be and remain the officers of the municipality created and established by this act, and of the City of Quincy, until their successors are elected and qualified as herein provided; and all new officers required by this act, shall be elected by the City Council, at its first meeting after this act goes into effect, and said new officers shall hold their office until their successors are elected and qualified at the first general election under the provisions of this act. Present officers remain in office.

Sec. 80. That all assessments, levies and collections of taxes heretofore done and performed by the corporation of the town of Quincy are hereby legalized and declared valid and of full force, virtue and effect and binding in law and equity. Former collections, assessments, etc., legalized.

Sec. 81. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 82. This act shall take effect from and after its approval by the Governor.

Approved May 9, 1907.

LAWS OF FLORIDA.

CHAPTER 5845—(No. 250).

AN ACT to Amend Section 3 of Article 8, Section 3 of Article 9, Section 5 of Article 9, Section 9 of Article 9 of An Act Entitled "An Act To Abolish the Present Municipal Government of the City of Sanford, Orange County, Florida, and Organize a City Government for the Same and Provide Its Jurisdiction and Powers." Approved May 24th, 1893; which Amendments Relate to the Assessment of Property for Taxation; the Equalization of Assessments; the Budget of Anticipated Expenditures; the Rate of Taxation; the Manner of Collecting Delinquent Taxes; the Interest, Penalties, Costs, and Assessments of Former Years; the Validity of Title Obtained Through Court Proceedings, and the Repeal of Laws in Conflict With This Act; and Repealing Chapter 5541 of the Acts of 1905.

Be It Enacted by the Legislature of the State of Florida:

Duties of
Clerk, Treas-
urer and As-
sessor.

Section 1. That Section 3, Article 8, of an act entitled "An Act to Abolish the Present Municipal Government of the City of Sanford, Orange County, Florida, and Organize a City Government for the Same, and Provide Its Jurisdiction and Powers," approved May 24th, 1893, be, and the same is, hereby amended to read as follows, to-wit:

It shall be the duty of the Clerk, Treasurer and Assessor to make an annual assessment of all the property, both real and personal, in the city of Sanford for taxation, at its cash value, except such railroad and telegraph property as is under the law valued by the State officials, whose valuation shall be entered on the assessment roll as the true valuation for taxation. Said assessment roll shall include a description of the property and the name of the owner, if known, if not known, "Unknown" shall be inserted in lieu of the owner; and also valuation, rate and amount of taxes. Whenever the assessment on any property exceeds the assessment for the previous year (except railroad and telegraph property) it shall be the duty of the Assessor to notify the owner of the property

of the increased valuation; but a failure to so notify, shall not invalidate the assessment.

Sec. 2. That Section 3, Article 9 of said act, be and is hereby amended to read as follows, to-wit:

The Clerk, Treasurer and Assessor shall complete the assessment roll of the city on or before the first Monday in August in every year; on which date such officer shall meet with the City Council at the Council Chamber for the purpose of reviewing and equalizing the assessment, and they may continue in session for that purpose from day to day as long as it may be necessary; and the City Council may review the same, hear complaints, and correct equalities in valuations, and for that purpose may raise or lower the value fixed by the Assessor.

Completion of assessment roll and equalization of assessments.

Sec. 3. That Section 5, Article 9 of said act, be, and is, hereby amended to read as follows, to-wit:

The Council shall thereupon, at a time fixed by ordinance, determine the amount to be raised by taxation for municipal purposes, school purposes, for poor and infirm, and for interest on the indebtedness of the city, and when necessary a sinking fund for the payment of the principal of city bonds at maturity; and having determined the amount to be raised by taxation for the current year, the several amounts and the rate of taxation shall be embraced in a budget, duly passed by the Council, entered upon the minutes, and published in some newspaper published in the city; and the Assessor shall be governed thereby in making the assessment roll for the current year. The rate of taxation for all purposes other than for paying the interest and principal of the city bonds, shall not exceed twenty mills on the dollar of the assessed value of the property.

Taxation.

Sec. 4. That Section 9 of Article 9 of said act, be, and the same is, hereby amended to read as follows, to-wit:

All lands upon which taxes are due the city shall be encumbered thereby, and taxes which remain unpaid on the first day of April of the next year following the levy, shall bear interest from that date to the date of actual payment at the rate of twelve per cent per annum;

Interest on levy.

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Lien.

and such taxes and interest shall constitute a lien on the real estate taxed superior to all others, and the lien shall relate back to the first day of January, when the taxes were assessed. The taxes and interest on real property shall be and remain a lien thereon until paid; and the said lien, or any proceedings to enforce it, shall not be barred by any statute of limitations now existing, nor by any statutes hereafter enacted which does not in terms refer to the liens of the taxes of Sanford, And the said liens shall not be divested by any State and county tax sale or by any deed based on any such tax sale.

Collection of delinquent taxes.

If the taxes on any real estate shall not be paid before the first day of April next, after the roll shall have come into the hands of the Tax Collector, they shall be delinquent; and if not paid within one year after becoming delinquent, penalty of five per cent on said taxes and interest thereon will be added to compensate the City Solicitor, if paid before suit for collection has been brought. After the taxes have been delinquent for one year, the City Solicitor alone will be empowered to collect them. The City Solicitor shall, within a reasonable time, not exceeding three months, after the collection of any taxes and the interest thereon, either by suit or otherwise, pay the same to the City Treasurer, and take his receipt therefor; and the City Treasurer shall note the payment thereof, with the date of payment and the amount of taxes and interest so paid on the assessment roll. Within a reasonable time after taxes become delinquent, the Tax Collector shall publish in some newspaper published in the city, a list of delinquent taxes as they appear on the assessment roll and at the bottom of said list recite the fact as to the rate of interest that will be charged after becoming delinquent; and that if not paid within one year the unpaid delinquent taxes will be certified to the City Solicitor for collection according to law, and this delinquent tax list shall be published for four consecutive weeks.

Treatment of delinquent taxes after one year has passed.

One year after the taxes become delinquent, the Tax Collector shall make true copies from the assessment roll, in the form of delinquent tax certificates, for each entry as they appear on the roll, and number them consecutively, in duplicate. He shall thereon certify each certificate as

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being a true copy of the assessment roll, date and sign the same as Tax Collector, and affix the city seal thereto. One of each of said delinquent tax certificates he shall send to the Clerk of the Circuit Court of Orange County to be recorded; and one of each of said certificates shall be delivered by him to the City Solicitor, taking his receipt therefor.

These delinquent tax certificates shall be prima facie evidence of the contents of the assessment roll and the levies made thereon and of the regularity and validity of all proceedings on which the same are based in all suits to enforce the payment of the lien of such taxes as may be shown upon such certificates. Prima facie evidence of contents of assessment roll.

The Tax Collector, upon delivering any such certificate to the City Solicitor, shall enter on the assessment roll the number of each certificate opposite the item to which it refers, and that it was certified to the City Solicitor with the date of delivery. Certificates to be numbered.

Thereafter the collection of such taxes as shown by the said certificates shall be made by the City Solicitor and not by the Tax Collector.

The City Solicitor, after receiving any such delinquent tax certificates, as aforesaid, may, and when directed by the City Council to do so, shall bring in the Circuit Court for Orange County a bill in chancery to foreclose the lien of the taxes as shown to be due and unpaid; which bill shall allege the city's claim of lien against the real estate described, and shall be brought in the name of the city of Sanford as plaintiff against the person named as owner (if known) of the real estate as indicated in the delinquent tax certificate or certificates and against such other person as the City Solicitor may know, or have satisfactory reasons to believe, to be owner of or interested in such real estate or to have any rights thereto or lien thereon, except as tenant. Duty of City Solicitor, etc.

The City Solicitor, for the purpose of making defendants, need not inquire who are the occupants of such real estate, or make search in the records of the county. If such real estate be assessed to an unknown owner, the City Solicitor may bring the bill against the real estate itself as defendant. Parties to suit.

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Fees of Solicitor, etc.

Payment upon the collection of moneys due.

1902 rolls validated.

Orders and notices, etc.

The City Solicitor shall be entitled to five per cent on all taxes collected by him without bringing suit, which shall be added to the amount of taxes and interest collected by him without suit; and in all suits to enforce the payment of taxes wherein the city shall prevail, he shall be entitled to a reasonable attorney fee to be taxed as a part of the cost, which allowances for the City Solicitor shall be regarded as further penalties for the non-payment of the taxes within the time prescribed by law. Upon the collection of the moneys due the city, payment shall be made, first, for all costs of the proceedings, except the City Solicitor's fee; second, of the amount due the city for taxes and interest, and lastly, of the City Solicitor's fee. The assessment rolls of the city of Sanford, with all assessments thereon, from and including the year 1902, are hereby validated and confirmed, and the same shall not be set aside or in any wise invalidated for any error, defect, informality or omission, which shall not amount to a want of due process of law under the Constitution of this State or of the Constitution of the United States.

Upon the application of the City Solicitor, the Clerk of the Circuit Court shall make an order of publication of notice to all persons having interest or rights, whether as owners, lien holders, or otherwise, in such real estate, which notice shall be addressed "To All Whom It May Concern," requiring them on or before a rule day, to be fixed in such order, to appear to and answer such bill and set forth the nature of their respective interests in rights to and lien upon the said real estate; which order shall be entitled with the names of the parties named in the bill, and shall contain a description of the real estate and shall be published in a newspaper published in the city of Sanford once a week for any four consecutive weeks prior to the rule day fixed in such order; and in all suits in which such order and publication shall be made, the interest, rights and liens of all persons in, to, and upon such real estate, whether such persons be named as defendants in the bill or not, shall be foreclosed and the respective interests, rights, and liens by the proceedings be affected thereby to the same extent as though they were named and truly served and had appeared as parties defendant in such suit; but should the suit be prosecuted to conclusion without the

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publication of such notice, the interest, rights, and liens of those persons only who are named as defendants and duly served, shall be foreclosed. Such order and publication shall not avoid the necessity of service of a subpoena upon all parties named as defendants who are to be found within the jurisdiction of the court, and service on absent defendants named in the bill shall be by publication, as in other chancery cases.

If the real estate itself be made defendant, the service shall be made by the making and publication of the order "To Whom it May Concern" herein provided, and the bill may be taken as confessed on any rule day after that to which the persons interested are by such order required to appear and answer, if no plea, demurrer or answer has been filed.

The City Solicitor shall foreclose in one bill all the tax certificates and unpaid taxes certified to him, which he holds against a piece of real estate whereon the assessment for the year A. D, 1902, or any subsequent year, has not been paid at the time for bringing the bill, and if any unpaid assessments be certified to him after bringing the bill, he need not include the same in such suit by supplemental proceedings or otherwise, and no sale had in the cause shall divest the lien of any taxes except those sought to be foreclosed by the bill.

The City Solicitor need not attach as exhibit to the bill either the original or copy of any certified copies of unpaid assessments or tax certificates which he seeks to foreclose by the bill.

Except as herein otherwise provided the suits aforesaid shall be conducted agreeably to the practice of the Circuit Court in other chancery suits to foreclose liens.

A deed given to a purchaser at the sale in any such suit shall be an entire bar against the defendants and all persons claiming under such defendants, and if the order of publication addressed "To Whom It May Concern" has been made and published, as hereinbefore provided (including the cases in which the real estate itself is defendant) in any suit, the deed shall be an absolute bar against all persons, unless the court proceedings are void for want of jurisdiction.

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Sec. 5. That Chapter 5541 of the acts of 1905, and all laws or parts of laws in conflict with the provisions of this act, are hereby repealed so far as they affect the city of Sanford.

Sec. 6. This act shall take effect immediately upon its becoming a law.

Approved May 27, 1907.

CHAPTER 5846—(No. 251).

AN ACT to Prescribe the Manner in Which Appropriations of Money Shall be Made by the City of St. Augustine and Warrants for the Payment of Money Shall be Drawn on the City Treasurer of Said City and Paid, and to Prescribe the Manner in Which Said City Shall Make its Assessment of Property Therein for Taxation, and Requiring an Annual Audit and Statement of Receipts and Disbursements of Municipal Funds in Said City.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The City of St. Augustine shall make its own assessments of property for taxation, but the valuation of property by said municipality shall not exceed the last valuation thereof for State and County taxes.

Funds.

All moneys collected as taxes by said city or received by it from any other source shall be kept in separate funds in accordance with the purposes for which collected or received, and as shall be designated in the annual budget which the City Council is required to adopt, and no money collected for one purpose shall be expended for any other, and no money in one fund shall be turned into any other fund, but all balances remaining in any fund at the end of the fiscal year and all unexpended portions of each appropriation made in the annual budgets, shall be turned into the same fund for the next year, or if no such appropriation shall be contained in the next annual budget, shall be turned into the general fund so that the amount required to be raised by taxation may be thereby reduced.

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Sec. 2. No money shall be paid by the City Treasurer save on warrants drawn as provided by law, which warrants shall be drawn against and paid out of some designated fund to be specified on the face of the warrants, and no warrant shall be paid unless at the time it is drawn there shall be sufficient money of the fund designated, in the hands of the City Treasurer to meet the same.

Payment of warrants.

Sec. 3. It shall be unlawful for the City Council of said City of St. Augustine, or any officer thereof, to make any appropriation of money or to issue any script or to draw any warrant on the City Treasurer unless there shall be sufficient funds in the hands of the Treasurer to pay the same at the time such appropriation is made or such warrant is drawn, and all appropriations made or warrants drawn in violation of this section shall be void; The appropriation herein prohibited shall not be construed to prevent the annual adoption of a budget of expenses as provided in Section 2, of Article 7, of Chapter 5360, Laws of Florida incorporating said City of St. Augustine.

Certain acts prohibited.

Not in conflict with Chap. 5360, Laws of Fla.

Sec. 4. Whenever the moneys in the hands of the Treasurer of said city shall be exhausted, and it shall be necessary to raise funds for current municipal expenses of said city, pending the collection of taxes, it shall be lawful for the City Council of said city, by the affirmative vote of two-thirds of its members, and with the consent of the Mayor, evidenced in writing, to borrow for a term not exceeding six months, a sum or sums of money not exceeding in the aggregate ten thousand dollars in any one calendar year, at a rate of interest not exceeding seven (7) per cent., and the money so borrowed shall be repaid as the taxes are collected and as soon as sufficient money shall have been collected, and if the whole sum borrowed in any one year shall not be paid from the taxes of that year then the sum unpaid shall be deducted from the aggregate amount which the city may lawfully borrow in any succeeding year. It shall be unlawful for said corporation to incur indebtedness in any year in excess of the amount of the taxes and licenses levied and imposed for said year; Provided, This section shall not be construed to apply to any issue of bonds lawfully made.

Authority to borrow money under certain conditions.

Provido.

Sec. 5. The City Council of said city shall annually audit or have audited the accounts of each municipal officer handling moneys of said city and shall publish

Auditing accounts.

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Statement of
receipts and
disburse-
ments to
be
published.

the report of such audit for the information of tax payers; and the finance committee of the Council shall annually publish a statement of the receipts and disbursements of the city for such fiscal year; such statement shall be prepared by the City Clerk as a part of his duties, but shall be verified by a competent accountant, not connected with the municipal government to be employed at a compensation to be determined by the City Council.

Sec. 6. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 7. This act shall take effect from and after its passage and approval.

Approved May 22, 1907.

CHAPTER 5847—(No. 252).

AN ACT to Authorize the City of St. Augustine to Levy an Additional Tax for Two Years for Street Improvements.

Be it Enacted by the Legislature of the State of Florida:

Additional
tax levy au-
thorized.

Section 1. That in addition to the tax levy now allowed by law, the City of St. Augustine is empowered to levy for each of the fiscal years beginning respectively October 1st, A. D. 1907 and October 1st, A. D. 1908 an additional tax for permanent improvements; and the sewerage, paving, maintenance and care of the streets of said city not exceeding one-half of one per cent of the assessed value of the taxable property in said city.

Sec. 2. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall take effect from and after its passage and approval.

Approved May 27, 1907.

AN ACT Amending the Charter of the City of St. Petersburg, by Prescribing the Method of Electing Its Tax Assessor and Prohibiting the Issue and Sale of Bonds, Unless Such Issue is Ratified by a Majority of the Qualified Electors.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The Tax Assessor shall be elected by the qualified electors of the City of St. Petersburg and shall hold office for the term of two years, and until his successor is elected and qualified; but the present incumbent shall hold office until the next general election provided for in Section 13 of the city charter.

Sec. 2. The City of St. Petersburg shall have the right to issue and sell bonds for municipal improvements, not to exceed in amount twenty per cent. of the assessed value of all the property subject to taxation within the corporate limits of said city, but no bonds shall be issued or sold until such issue shall be ratified by a majority of the qualified electors of said city, at an election to be held for such purpose and in such manner as may be provided for by ordinance; Provided, however, That nothing in this section contained shall prohibit the refunding of the indebtedness of the City of St. Petersburg in the manner as now provided by Section 22 of its charter; and, Provided, further, that the powers conferred by said Section 22 of its charter, shall in no wise be restricted by the provisions of this section, save and except that no bonds shall be issued or sold until such issue is ratified by a majority of the electors, as hereinbefore prescribed.

Sec. 3. All laws and parts of laws in conflict with the provisions in this act are hereby repealed.

Sec. 4. This act shall take effect upon and after its passage and approval by the Governor.

Approved June 3, 1907.

AN ACT to Incorporate and Establish a Municipal Government for the Town of Sarasota, in Manatee County, Florida, Provide for Its Government, Prescribe Its Jurisdiction and Powers, and to Abolish the Present Corporation of Said Town.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the present municipal government of the town of Sarasota be, and the same is hereby abolished.

**Territorial
boundaries.**

Section 2. That the territorial boundaries constituting the municipality known as the town of Sarasota, in the County of Manatee, State of Florida, shall be as follows, to-wit: Beginning at the northeast corner of the northwest quarter of the northwest quarter of Section Twenty (20), Township Thirty-six (36) south, Range Eighteen (18) east, running thence south on the quarter section line to the southeast corner of the northwest quarter of the northwest quarter of Section Twenty-nine (29) Township Thirty-six (36) south, Range Eighteen (18) east; thence running west on the quarter section line to the southwest corner of the northeast quarter of the northeast quarter of Section Thirty, Township Thirty-six (36) south, Range Eighteen (18) east; thence running north to the channel of Hudson Bayou; thence in a westerly direction along the center of the channel of Hudson Bayou to the center of the channel of Sarasota Bay, thence in a northerly direction along the center of the channel of said Sarasota Bay to a point due west of the northwest corner of Section Nineteen (19), Township Thirty-six (36) south, Range Eighteen (18) east, which said point may be reached by an extension of the north boundary line of said Section Nineteen to the center of the channel of said Sarasota Bay; thence running east to and along the north boundary line of said Sections Nineteen and Twenty to point of beginning; declaring that the jurisdiction of the town of Sarasota and the authority of its officers shall have full force and effect over all waters included within the boundaries of said town.

**Obligations,
etc.**

Sec. 3. That no obligation or contract of said municipality shall be impaired by this change, but all debts, con-

tracts and obligations shall be obligations upon and enforceable against the new municipality.

Sec. 4. That the title, right and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action held or owned by the said municipality of the town of Sarasota shall pass and be vested in the municipal corporation hereby organized to succeed such municipality. Succession.

Sec. 5. That said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded, and shall have a common seal which may be changed by the Town Council at pleasure. Succession.

Sec. 6. That said corporation may own, purchase, lease, receive, acquire, and hold property, real and personal, within the territorial boundaries of said corporation and may own, purchase, lease, receive, acquire and hold property, real and personal, beyond the limits of said corporation to be used for any and all such public purposes as the Mayor and Town Council may deem necessary or proper. Property rights.

Sec. 7. That said corporation is hereby fully empowered to sell, lease, or otherwise dispose of any and all property, real or personal, which may belong to said corporation to the same extent that natural persons may do. That the Town Council may prescribe by ordinance the manner of making such conveyances. Property rights.

Sec. 8. That the government and corporate authority of said town shall be vested in a Mayor, a Town Council to consist of five Aldermen, a Clerk, a Treasurer, a Tax Assessor, a Marshal, a Tax Collector and such other officers as may be appointed or elected in pursuance of law and the ordinances of said town. The office of Clerk and Treasurer, or of Marshal and Collector, may be held by one and the same person as the Town Council may by ordinance prescribe. That no person shall be eligible to hold an office herein provided for except he be a citizen and qualified voter of said town; Provided, that these qualifications shall not apply to the office of Marshal, unless he be also Tax Collector. Corporate authority.

Sec. 9. That the Mayor shall be elected for the term of one year and until his successor is elected and qualified

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Election,
term, pow-
ers and du-
ties of Mayor

by the qualified voters of said corporation. His compensation shall be fixed by ordinance, but shall not be changed during his term of office. He shall have power to preserve peace and order and to enforce the ordinances of said corporation. The Mayor shall have jurisdiction over the trial of all offenses against the ordinances of said corporation. He shall see that the ordinances are faithfully executed and the orders of the Council duly observed and enforced. He shall have power by his warrant to have brought before him any person or persons charged with the violations of ordinances. He shall have power to require the attendance of witnesses for or against the accused; to administer oaths, to take affidavits, and to inquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of the accused; and to fix the penalty the sentence prescribed by ordinance, to release persons convicted by him and to have and exercise all the powers incident and usual to the due enforcement of his jurisdiction.

Power of
Mayor to
suspend of-
ficer.

Sec. 10. That the Mayor shall have power to suspend any officer, except Aldermen, for misconduct in office or neglect of duty, reporting his action in writing with the reasons therefor to the next regular meeting of the Council for its approval or disapproval.

Supervision
of Mayor.

Sec. 11. That the Mayor shall have general supervision over all city officers and may examine into the condition of the offices, the books and records and papers thereof and therein, and the manner of conducting official business. He shall report to the Town Council all violations or neglect of duty on the part of any official that may come to his knowledge.

Approval of
ordinances
by Mayor.

Sec. 12. That every ordinance passed by the Town Council, before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk. If the Mayor approve the same, he shall sign it and return to the Clerk, but if not, he shall return it to the Clerk with his objections in writing at or before the next regular meeting of the Council for reconsideration, and if the Council shall pass the ordinance by a two-thirds vote of all members present, it shall go into effect. If the Mayor shall fail to return any ordinance or shall return the same unsigned without objections in writing at or before the next regular meeting of the Council after its passage, he shall be

deemed to have approved the same and it shall become a law without his signature.

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Sec. 13. That the Mayor shall communicate from time to time to the Council such information and recommend such measures touching the public service as he may deem proper and shall perform such duties as the ordinances may prescribe.

Duty of Mayor.

Sec. 14. When in his opinion the public good requires, the Mayor may appoint and discharge special policemen and detectives.

Special policemen, etc.

Sec. 15. That the Mayor may call special meetings of the Council and when called, he shall state the objects for which called, and the business of such meeting shall be confined to the subjects so stated.

Special meetings of Council.

Sec. 16. That the Mayor may be impeached by the Council for misfeasance, malfeasance or nonfeasance in office, for drunkenness, habitual intoxication or gross immorality. Should charges be preferred against the Mayor, the Council shall furnish him with a copy of the articles of impeachment and shall proceed without unnecessary delay to investigate and decide them. It shall require a two-thirds vote of the entire Council to remove him from office.

Impeachment of Mayor.

Sec. 17. In the case of the death or absence of the Mayor, or his inability from any cause to discharge the duties of the office of Mayor, the President of the Council, or in his absence the acting President of the Council, shall discharge the duties of Mayor as Mayor pro tempore, or until the office of Mayor shall be filled.

In case of death or absence of Mayor.

Sec. 18. That should there occur a vacancy in any of the offices of said municipality, except Aldermen or Mayor, it shall be the duty of the Council to fill said vacancy as soon as possible by appointing a qualified elector of said municipality, who shall hold the office for the unexpired term.

Vacancies.

Sec. 19. Should the Mayor's office become vacant by death or resignation, or should there occur a vacancy in the Council, the Clerk shall immediately certify such fact to the Mayor, who shall immediately issue his proclamation calling for a special election to be held to fill such vacancy or vacancies; Provided, that in case there shall

Vacancy in office of Mayor.

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Vacancy in
office of
Mayor.

be not more than three months intervening between said vacancy and the next general election of officers, there shall be no election to fill such vacancy under the provisions of this section. Said election shall be held not less than fifteen or more than thirty days from the issuance of said proclamation, which said proclamation shall be published in some newspaper published in said municipality at least three times, or by posting the same at three public places in said municipality, one of which shall be the postoffice, for at least ten days before said election.

Aldermen.

Proviso.

Sec. 20. That the Council shall be composed of five Aldermen, who shall be elected for a term of two years at a general election of the qualified electors of said municipality; Provided, that the Town Council shall have power to divide the territory embraced in the corporate limits of Sarasota into as many wards as they may deem proper and shall provide for the election of an equal number of Aldermen from each of said wards by the qualified electors of the said wards respectively, together with the election of one or more Aldermen at large by the qualified electors of the entire town of Sarasota.

Rules, regu-
lations, etc.,
regarding
meetings
and members
of Council.

Sec. 21. The Council shall be the judges of the qualification, election and returns of its own members. It may enact rules of procedure and may prescribe penalties for the nonattendance or disorderly conduct of its members and enforce the same. Two-thirds of its members concurring, it may expel a member for improper conduct in office. A majority of the members of the Council shall be necessary to form a quorum for the transaction of business, but a smaller number may adjourn from time to time, and under the provisions of ordinances or rules of procedure, may compel the attendance of absent members by the imposition of fines and penalties.

Meetings.

Sec. 22. That the Council may hold meetings at such times as it may determine, holding not less than one regular meeting per month.

Power of
Council to
create of-
fices, etc.

Sec. 23. That the Council shall have power and is hereby authorized to create such offices and provide by ordinance for the election or appointment of all such additional officers and employees as may in their judgment be necessary for the good government of said municipality. The Council shall have power to abolish at any time any office

created by it, but shall not abolish any office created by this act.

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Sec. 24. That the incumbents of offices created by this act, or by ordinance or resolution, shall be required to give such bond as the Council may prescribe. All such officers, before entering upon their respective duties, shall take an oath to faithfully discharge their several duties.

Oath.

Sec. 25. That the Town Council shall, within the limitations of this act, have power by ordinance to levy and collect taxes upon all property real, personal and mixed, within the corporate limits of the town, as hereinafter provided, to levy and collect taxes upon and license all privileges, professions and occupations taxable by law for State purposes, to license, tax or regulate auctioneers, taverns, hotels, peddlers, retailers of liquors, spirituous, vinous or malt, hackney carriages, omnibuses, automobiles, wagons, drays, boats and launches for hire and to fix the rate to be charged for the carriage of persons within the town, and to the public works and property without the town; to regulate and license any theatrical or other exhibition, show, circus, parade or other amusement, skating rink, bowling alley, hand organs with or without monkeys, merry-go-rounds, switchbacks, cane or knife racks and other privileges, occupations or professions taxable by the State. To appropriate money for the payment of the debts and expenses of the town, and also for the debts of the municipal corporation of which the town of Sarasota is a successor under this act; to make regulations, to prevent the introduction of contagious or infectious diseases into the town, and to make quarantine laws for that purpose and enforce the same within five miles of the town, to establish jails, hospitals, houses of detention and correction, and to make regulations to secure the general government thereof; to make regulations to secure the general health of the inhabitants of the town; and to prevent and remove nuisances, whether affecting the health or morals of the community; to provide the town with waterworks, to be within or beyond the boundaries of the town; to provide for the prevention or extinguishing of fires, and to organize and establish fire department; to provide for the lighting of the town by gas, electricity, or other illuminating material; to authorize and make appropriations; to alter, open, extend, abolish,

Powers of Council.

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Powers of
Council.

widen, establish, grade, pave, or otherwise clean, improve and keep in repair streets, alleys and sidewalks, and to erect and keep in repair bridges, culverts, sewers, wharves, docks and sea walls and gutters; to make appropriations for lighting the streets and public buildings and for the erection of all buildings necessary for the use of the town, including jail or calaboose; to regulate the vending of fish, oysters, crabs, meat, poultry, fruits and vegetables; to establish and regulate markets; to regulate or suppress the use and sale of fireworks, fire crackers, toy pistols, air guns, sling shots, etc., to prohibit the sale of all intoxicating and malt liquors, and to provide penalties therefor; to prohibit and suppress all gambling houses, bawdy houses and disorderly houses, any exhibition, show, parade or amusement contrary to good morals, and all obscene literature and pictures; to suppress the carrying of arms secretly; to regulate, restrain or prevent the carrying on of manufactures dangerous in increasing or producing fire, and license the sale of firearms, to regulate the storage of gun powder, tar, pitch, rosin, turpentine, gasoline, saltpetre, gun cotton, coal oil, and other combustible, inflammable material, and the use of lights, candles lamps and steam pipes in all shops, stables and other places; to provide for arrest, imprisonment and punishment of all vagrants and all riotous and disorderly persons within the town, day or night, by warrant or otherwise, and for the punishment of all breakers of the peace, makers of noise, disturbances, etc.; to disperse all disorderly assemblies, to pass all ordinances for the health, peace, conveniences, comfort, safety and pleasure of the citizens, and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation, to impose penalties on the owners, occupants or agents of any house, walk or sidewalk or other structure or place or thing which may be dangerous or detrimental to the citizens or to their property, unless, after due notice the same be remedied, repaired or removed; to regulate, tax, license or suppress and punish by fine or imprisonment the keeping and going at large of all animals, fowls and domestic birds within the town, to impound the same, and in default of redemption, in pursuance of ordinance, to sell, kill or otherwise dispose of same; to provide for the enclosing, improving and regulating the public grounds belonging to the town, in or out of the corporate limits; to

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provide for the organization of a police force, and to impose fines, forfeitures and penalties and terms of imprisonment at hard labor, or otherwise, for a breach of town ordinance, but no penalty shall exceed five hundred dollars, and no term of imprisonment shall be for a longer term than four months for one and the same offense; to provide for the imprisonment of offenders against the ordinances at hard labor on the streets, or other work to be designated by ordinance until the fines and costs against them adjudged by judicial authority are paid; and the Council may determine by ordinance the amount to be credited to such prisoners on account of fines and costs for each day's work performed, and in the absence of ordinance fixing the cost for each day's work, the Mayor shall fix the same; to regulate and provide for the construction of streets and paving the same; to designate the fire limit, and to require such buildings to be erected therein by any person desiring to build such structures or buildings as by ordinance the Town Council may require and demand.

Powers of Council.

Sec. 26. The Town Council shall have power to regulate and control the grading, constructing and repair of all streets, pavements and sidewalks and to require the owners of real estate within the corporation limits to construct uniform and substantial sidewalks around their several lots and to keep the same in repair, and upon any failure to do so within the time and manner prescribed, the Town Council may have the same done, which shall be a lien against said lots. The Town Council shall also have power to order the paving or otherwise improving of any street or portion thereof in such manner as they may deem proper, and may require the owner or owners of any lot or parcel of land abutting thereon or thereto to do one-third of such paving, or to make one-third of such improvements as the same may be ordered, and upon failure to do so within the time and manner prescribed, the said Council may have the same done, which shall be a lien against said lot or parcel of land.

Powers of Council.

Sec. 27. If at any time the Town Council shall deem it necessary or expedient for the preservation of the public health or for other good reasons that any lot or lots or vacant lands then lying and being within the corporate limits of the town which may be lower than any street or

Power of Council to direct ditching, draining, etc.

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Power of
Council to
direct ditch-
ing, draining,
etc.

streets adjoining the same or the grade established therefor or which may be subject to overflow or the accumulation thereon of a pond of water, should be filled in or ditched or drained, it shall be lawful for said Council to direct the owner or owners of said lot or lots or vacant land to fill the same to such grade, or to ditch or drain the same in such manner as the Council shall direct, such notice to be given by a resolution of the Council duly posted, copy of which shall be served upon the owner or owners of said lot or lots or vacant land, or upon his or their agent, or if the owner is a non-resident or cannot be found within the town and has no known agent within the town, a copy of said resolution shall be published for two weeks in a newspaper published in said town and a copy posted upon said lot or lots or vacant land and a copy also mailed to the residence or postoffice address of the owner if his residence or postoffice address be known to the Council. If the said owner or owners shall not, within such time as said resolution shall direct, fill in, ditch or drain the lot or lots or vacant lands as therein directed, it shall be lawful for the Town Council to have the same done and to charge and collect the expense thereof upon the said owner or owners, which shall be a lien upon said lot or lands to be enforced as prescribed in Section 28.

Enforcement
of liens.

Sec. 28. In all cases mentioned in this act in which the town of Sarasota shall be entitled to liens on land, such liens for improvements, assessments, work done and material furnished, or either, may be enforced in the manner provided for the enforcement of liens upon real estate provided by chapter five, title seven, lien division two of the General Statutes of the State of Florida. The owner shall also be personally liable for the said value. In case the land belongs to an infant, married woman or person non compos mentis, suit in equity shall be brought to enforce the lien. Service in such suit shall be made on such defendant and the court shall appoint a guardian ad litem for such defendant as in other cases.

Compensa-
tion of ...
Councilmen.

Sec. 29. Councilmen shall receive such pay for their services as may be provided by ordinance, not to exceed two dollars for each regular meeting at which said Councilmen actually attend.

Budget of
expenses.

Sec. 30. That it shall be the duty of the Town Council each year to agree on a budget of expenses for the ensuing

year, which shall designate the regular officers of the corporation for the ensuing year, with the salaries of each as provided for in this act, and under general heads such as streets, fire, water, lighting, police, general, etc., establish the corporate expenditure and the estimated amount run out in figures and the probable expense for each purpose, and at the same time the Council shall make appropriation for such expenditures in separate funds.

Sec. 31. That the Council shall by ordinance or resolution determine the number of standing committees; the number of members of which each of said committees shall consist and shall designate the character and duties of each. The President of the Council shall appoint said committees annually as soon after organization as practicable. Committees.

Sec. 32. Whenever it shall be deemed advisable to issue bonds of the town of Sarasota for any purpose or purposes hereinafter named for raising money to be used in constructing and maintaining water works, for the purpose of constructing and maintaining gas works or other illuminating works, for the purpose of constructing and maintaining a system of sewerage, or otherwise promoting the health of said town, for the purpose of opening, widening and paving the streets and sidewalks of said town, and for opening, constructing and maintaining public parks and promenades, for the purpose of erecting school houses and maintaining a system of education in said town, for the purpose of erecting buildings for the use of said town, for any one or more of said purposes, the Mayor and the Council of the town of Sarasota are hereby authorized to issue bonds of said town under the seal of the corporation, signed by the Mayor, countersigned by the President of the Town Council and attested by the Clerk with the corporate seal with interest coupons attached which shall be signed in like manner; Provided, however, that before said bonds shall be issued, the issuance of said bonds shall be approved by an affirmative vote of a majority of the electors who shall be freeholders of such municipality at the time of voting and for at least six months prior thereto, voting at an election to be held for that purpose, which election shall be regulated by ordinance as to manner of conducting or certifying same, after the same has been advertised for not less than thirty days in a newspaper pub- Bonds.

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lished in said town of Sarasota; Provided, however, that the bonded indebtedness of said municipality for all purposes shall never exceed ten per cent of the assessed valuation of the property of said town.

Bonds.

Sec. 33. That the bonds issued under this act shall be of the denomination of not less than one hundred dollars each, bearing interest at the rate of not more than six per cent per annum, payable semi-annually and said bonds shall be due not less than five nor more than thirty years from date, as said corporate authorities may determine.

Discount of bonds.

Sec. 34. The bonds herein provided for shall in no case be sold at greater discount than five per cent of their par value.

Authority, duties, etc., of Board of Bond Trustees.

Sec. 35. There shall be a board of three trustees, all of whom shall be resident owners of real estate and qualified to vote at bond elections, who shall serve as a Board of Public Works and who shall also each give bond in a sum fixed and approved by the Council for the faithful performance of their duty. It shall be the duty of said trustees as soon as bonds herein authorized have been executed to offer the same for sale by notice stating the amount of bonds for sale, the rate of interest and when the same shall become due and payable, advertised in a newspaper published in Sarasota and also in not less than two other newspapers published in cities reputed to be money centers, if deemed necessary. The trustees shall receive bids for the purchase of said bonds or any part of the issue thereof on or before the expiration of sixty days from the date of said publication. The trustees shall have the right to reject any and all bids and readvertise the bonds or any portion of the same remaining unsold.

Depository.

Sec. 36. A bank or banks, or other depository to be designated by the Council, shall receive and be custodian of said bonds and all moneys arising from the sale of said bonds.

Duties of Board of Trustees.

Sec. 37. The Board of Trustees shall advertise for bids for work to be done for which bonds are issued, make contracts with the lowest responsible bidder and shall receive good bond for the faithful performance of his work, but the said board shall have the right to reject any or all bids received. They shall personally or through proper agents, select the material and have full supervision or

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charge of the carrying out of the work for which bonds are issued, and shall audit all accounts connected with such work and pay the same by check on the bank or depository handling the proceeds of the sale of said bonds, which said check shall be invalid unless signed by at least two members of the Board of Trustees and countersigned by the President of the Council, and shall be so worded.

Sec. 38. The Board of Trustees shall be elected by a majority vote of the legal voters who are qualified to vote at bonding elections at the same election at which the bonds are voted and shall serve until the completion of the work for which said bonds were issued. Vacancy in the Board of Trustees shall be filled by a majority vote of the remaining trustees and a full board of the Council in joint session. Any trustee may be removed from office in same manner and for same causes as hereinbefore provided for the removal of other officials. A majority of said trustees shall constitute a quorum and be capable of transacting any business. No person holding any other city office shall be eligible to serve as bond trustee.

Election of Trustees.

Vacancy on Board of Trustees, etc.

Sec. 39. And said Board of Trustees shall cause to be kept proper books of account which shall be at all times subject to inspection by the Council, and upon the completion of the work entrusted to them, the same with a full report of their account shall be turned over to the Council, who shall examine same and audit them and cause a copy of same to be published in the town of Sarasota. Not more than thirty-three and one-third per cent of the bonds shall be converted into cash at any one time, and the cash so realized shall be expended before another delivery of said bonds; provided that should said Council and Board of Trustees in joint session assembled consider it to the best interest of said town to sell the entire bond issue at one time, or any portion thereof, then they in their discretion shall be permitted so to do. In the event of there remaining in the bank or other depository an unexpended balance of money on bond account, the Town Council shall apply the same to the payment of principal and interest on the bonded indebtedness of the town.

Duties of Board of Trustees, etc.

Sec. 40. That the adverse result of an election to determine the question of the issuance of bonds for any one or more of the purposes mentioned in this act shall not debar the then existing or any subsequent Council from re-sub-

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Re-submit-
ting question
to electors.

mitting the same question to the legal voters of the town, after the lapse of one year; but the question of bonding for any purpose not already voted upon can be submitted to vote of the people whenever, in the judgment of the Council, it may be considered advisable.

Authority
and duties,
etc., of
Council and
Mayor.

Sec. 41. The Mayor and Town Council are authorized, by ordinance, to construct or acquire, own and operate waterworks, electric light and gas plants, street railways and such other public utilities as the welfare of the citizens of the town may reasonably demand, and to provide therefor through the medium of bonds issued under the provisions of the preceding sections of this act, or through general taxation, or otherwise, as they may deem advisable; provided, that the construction or acquisition of such properties shall be first approved by a majority of the votes cast at a general or special election, in compliance with the provisions of an ordinance providing for the submission of such questions to the voters at such election, and only resident owners of real estate who are qualified to vote at bonding election shall be entitled to vote. And no municipal franchise shall be granted or extended for the establishment or maintenance of any public utility through or upon any street of the town, except by an ordinance passed by two-thirds of all the members of the Town Council and approved by the Mayor, and subsequently approved by a majority of the votes cast at a municipal election, general or special, at which such question shall have been submitted to the voters possessing the qualifications above mentioned.

Arrange-
ments, rates,
etc., for the
furnishing
of water,
lights, street
cars, etc.

Sec. 42. That the corporate authorities of the town of Sarasota are hereby authorized to prescribe by ordinance, maximum rates and charges for the supply of water, gas, electricity or other illuminating material furnished to the said town of Sarasota or the inhabitants thereof, by any individual, company or corporation authorized by said town to furnish water or supply illuminating material; and said town is further authorized and empowered to regulate by ordinance the charge to be made by any person, firm or corporation which may be authorized to operate a street railway in said town, for the carrying of passengers and freight within the limits of said municipal corporation; provided, that any regulation made under this section shall be reasonable; and provided further, that

the Mayor and Town Council may by contract with any person, firm or corporation as aforesaid establish a maximum rate for any service herein mentioned, which shall be operative and binding upon the said town for a period not exceeding ten years.

Sec. 43. That the town of Sarasota is hereby authorized and empowered to pass such reasonable ordinance or ordinances to prevent or suppress illegal sales of intoxicating spirituous, vinous or malt liquors of whatsoever nature and kind; and to affix such reasonable penalty or penalties for the violation of this ordinance as the Town Council shall prescribe. And the holding, owning or paying for a license or tax stamp issued by the internal revenue authorities of the United States showing the payment of a tax as a dealer in spirituous, vinous, malt or other intoxicating liquors by the holder thereof to the United States Government shall be held in the Mayor's court of the town of Sarasota as prima facie evidence against the holder thereof as a dealer in spirituous, vinous, malt or other intoxicating liquors, and upon proof being made by the testimony of two witnesses who have seen said license or tax stamp in the place of business of the holder thereof or by production of the original tax stamp or license, in evidence, it shall be deemed sufficient evidence without explanation, to convict.

Powers of Council by ordinance.

In all prosecutions by the town for a violation of the provisions of this section, the introduction of a copy of the record of the result of the canvass of the returns of the election held in Manatee County to decide whether the sale of intoxicating liquors, wines or beers shall be prohibited therein as made by the county canvassing board and recorded in the minutes of the proceedings of the Board of County Commissioners, duly certified to by the clerk of the Circuit Court for Manatee County, shall be taken as prima facie evidence that said election was legally called, conducted and held.

Prima facie evidence of legal election.

Sec. 44. That whenever there shall be presented to the Town Council a petition signed by a number of qualified voters equal to thirty-three and one-third per cent. of the registered voters of the town of Sarasota asking that an ordinance to be set forth in such petition or that any existing ordinance which shall also be set forth at length in

Petition for ordinance, etc.

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said petition, be submitted to a vote of the electors of said town, it shall be the duty of the Town Council to submit such proposed or existing ordinance to the electors in said town at the ensuing town election or at a special election, if the petition shall so require, and the majority of the votes cast at such election on said ordinance or ordinances shall be sufficient for its or their enactment or repeal.

Tax Collector.

Sec. 45. The Collector shall be elected annually at the general election of officers, serve for one year and until his successor is elected and qualified. He shall discharge such duties as the Council may prescribe. It shall be the duty of the Collector to collect all taxes on real and personal property in Sarasota, according to the assessment roll delivered to him by the Assessor of Taxes of the town, as required by ordinance; to collect all license on trades and occupations provided for in this charter and ordinances of said town; receive all funds collected, giving receipts for the same; he shall make weekly payments to the Treasurer of all funds coming into his hands and take the Treasurer's receipt therefor, and shall make a report to the Council monthly, or oftener if required by them, of all receipts and payments made to the Treasurer. The Collector shall perform all acts required of him in the collection of taxes and licenses as prescribed by the ordinances, and shall give such bond as the Council shall determine, for the faithful performance of his duty.

Marshal.

Sec. 46. That there shall be a Marshal, who shall be elected annually and serve for one year and until his successor is elected and qualified.

Power to arrest.

Sec. 47. That the Marshal and every member of the police force shall have the power and authority to immediately arrest, with or without warrant, and take into custody any person who shall commit, threaten or attempt to commit in his presence or within his view, any offense prohibited by the ordinances of the town, and he shall without unnecessary delay, upon making such arrest, convey the offender or offenders before the Mayor to be dealt with according to law.

Duties of Marshal.

Sec. 48. That it shall be the duty of the Marshal to attend the Council during its sittings, to aid in the enforcement of order under the direction of the president thereof; to execute the commands of the Council from time to time

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and to execute all process issued by authority thereof, which shall be directed to him; to attend the Mayor's court during its sittings, to execute the commands of said court from time to time, to aid in the enforcement of order therein and to perform such other duties as may be required by ordinance.

Sec. 49. That the Marshal and members of the police force, in addition to the powers incident to their office, and as herein designated, shall possess common law and statutory authority of constables, except for the service of civil process.

Sec. 50. That there shall be one office of Clerk, one of Treasurer, and one of Assessor; provided, that the offices of Clerk and Treasurer may be held by one or the same person as provided by Section eight of this act. Each of such officers shall serve for two years until their successors are elected and qualified. And they shall be paid such salary as may be determined by the Town Council; provided, that the salary of the Assessor for making the assessments for the year 1907 shall not exceed \$100.

Sec. 51. That it shall be the duty of the Clerk to attend all meetings of the Town Council, regular or called, to keep and enter on record the minutes of all official acts of the Council, and enter in the books to be kept for that purpose all ordinances and resolutions passed by the Council, and to perform such other duties as the Mayor or Council may require usually pertaining to his office. He shall have his office and conduct his business and duties in such building as may be designated by the Town Council, and shall have his business hours and duties prescribed by ordinance. He may take affidavits of any person charging another with violation of any town ordinance and issue warrants for the arrest of the offender or offenders returnable before the Mayor.

Sec. 52. That the Assessor of Taxes shall assess all property in the corporate limits, both real and personal, and fix the valuation thereof at its full cash value, irrespective of any valuation fixed by the State and county authorities. That such Assessor shall complete the assessment on or before the first day of June, at which time the Council shall review the same and make such changes as may seem proper.

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Duties of Assessor.

Sec. 53. It shall be the duty of the Assessor to make an annual assessment of all property, both real and personal, in the town for taxation. He shall personally investigate all the property within the corporation as nearly as possible, and diligently inform himself as to its value. He shall assess without fear or favor and list real estate with the particularity and exactitude calculated to prevent the escape from taxation of any portion thereof when liable, and to put the owner on notice of his duty to pay taxes and what taxes and of the legal consequences of non-payment. He shall personally mail every tax payer, if known, a statement of the tax payer's tax, and he shall give such bond, with securities, and in such amount, for the faithful discharge of his duties, as the Council may prescribe.

Duties of Treasurer.

Sec. 54. The town Treasurer shall give bond, with securities, for the faithful performance of his duties, in such sum as may be decided by the Council. He shall receive all moneys due the town for taxes, license or other sources, except from the sale of bonds, and shall report monthly all payments made to and by him, and all balances of public funds, and shall present to the Council monthly a certified statement from the bank or depository where the public money is deposited, setting forth the balance standing to the credit of the town Treasurer; and he shall deposit in bank or depository designated by the Council, daily, all public moneys or funds in his hands; and the Council shall cause such reports to be furnished quarterly to some newspaper published in the town. The Treasurer shall perform such other duties as shall be prescribed by ordinance.

Elections.

Sec. 55. That the first election of officers under this act shall be held by the present officers of the town of Sarasota in accordance with the present ordinance of said town, and the general laws of the State of Florida in as far as they apply to municipal elections, on the second Wednesday in October, 1907, and annually thereafter on said day. The person then elected as such officer shall be sworn into office on the first Tuesday in November following, when their term of office shall begin.

Sec. 56. All voting at general or special elections shall be by ballot, either written or printed; and the candidate receiving the highest number of votes cast shall be declared elected.

Said municipality of Sarasota shall have the power to pass ordinances prescribing the form of ballots to be used, and the manner of calling, conducting, canvassing or making returns of said election, any general State law touching elections generally to the contrary notwithstanding. 1907.
Power to pass certain ordinances.

Sec. 57. The Council shall require the clerk to perform the duties of registration officer, in such manner as may be prescribed by ordinance. All male persons above the age of twenty-one years, who have resided in the State of Florida for twelve months last past, and in the corporate limits of Sarasota for six months last past, shall be entitled to register and vote. Registration and qualification of electors.

Sec. 58. The Council shall have power by ordinance to make the payment of the State poll or capitation tax for two years last past from the time of such election, a prerequisite to voting at any general or special election. The Council shall have power to require such poll or capitation tax to be paid on or before ten days before such election. Poll tax.

Sec. 59. For ordinary purposes the rate of taxation shall not exceed ten (10) mills on the dollar. A special tax may be levied not exceeding ten (10) mills, to create a sinking fund for the payment of the town's bonded indebtedness, or the interest thereon, and for the discharge of any judgments obtained against the town, the payment of which may be compelled by mandamus. Rate of taxation, etc.

Sec. 60. At the regular meeting in the month of July the Town Council shall sit as a Board of Equalization, and shall hear and determine all matters and complaints relating to and touching the valuations and assessments made by the Assessor. Equalization

Sec. 61. On the first of November the assessment roll shall be delivered to the Collector, who shall proceed to collect all taxes according to such assessment. Delivery of roll.

Sec. 62. That all taxes remaining unpaid on the first day of April of each year, shall be deemed and considered as delinquent, and the Collector shall proceed to collect the same by law. He shall make up a list of all of such property on which the taxes remain unpaid and shall advertise the same in some newspaper published in Sara- Delinquent taxes.

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Tax sale.

sota for the space of four weeks preceding the sale thereof, with a notice that he will sell the same to satisfy said taxes and costs; Provided, that the Council may at its discretion extend the time for payment.

Record of sales.

Sec. 63. A list of all property so sold shall be filed with the Clerk of the Circuit Court for Manatee County, Florida, who shall record the same among the record of land sold for taxes.

Tax Deed.

Sec. 64. At the expiration of two years from the time of such sale if the owner shall not have redeemed the same, by payment of all costs and the amount of taxes, together with twenty-five per cent. on such amount, then and in that event the purchaser of such tax sale shall be entitled to a tax deed. The Clerk of the Circuit Court shall make such deed. All redemptions shall be made with the clerk of the Circuit Court, which may be made at any time before the issuance of a tax deed.

State law.

Sec. 65. All the provisions for the State law for the enforcement and collection of State and county taxes shall avail the said municipal government hereby created as fully and completely as if embodied herein, in so far as the same does not conflict with the provisions of this charter.

General incorporation law.

Sec. 66. All the powers, privileges and provisions of the general law for the incorporation of cities and towns, when not in conflict with the terms of this act, shall be and the same are hereby made a part of this charter.

Present officers remain in office.

Sec. 67. The present officers of the said town of Sarasota shall hold their respective offices and perform all the functions thereunder until their respective terms have expired and their successors are elected and qualified.

Former ordinances.

Sec. 68. All ordinances of said town of Sarasota heretofore in force, when not in conflict with the provisions hereof, shall be and remain in full force and virtue until repealed by the Council.

Sec. 69. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 70. This act shall go into effect upon its approval and signing by the Governor.

Approved May 7, 1907.

LAWS OF FLORIDA.

CHAPTER 5850—(No. 255).

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AN ACT to Declare the Town of Sopchoppy, in Wakulla County, an Incorporated Town, to Legalize the Incorporation of Said Town, to Validate the Ordinances Thereof, and to Empower Said Town to Make Assessments of Property Therein and Fix the Valuation of Property for Assessment and to Authorize Said Town to Provide the Manner of Collection of Its Taxes.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That the town of Sopchoppy, in Wakulla County, Florida, heretofore incorporated under the general laws of the State of Florida, be, and the same is, hereby declared to be a legally incorporated town in all respects with all the privileges incident thereto.

Sec. 2. Said town of Sopchoppy shall have the full power to make its own assessment of taxes upon property situated in said town, and for this purpose to fix the valuation of said property by its proper officers without regard to the valuation thereon by the State or county officers charged with the assessment of property for taxation, and that the said town of Sopchoppy may prescribe by proper ordinance the time for collection of the taxes for said municipality.

Sec. 3. That all ordinances heretofore passed and all acts done by the Town Council and Mayor of said town of Sopchoppy are hereby declared of full force and validity.

Sec. 4. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 7, 1907.

LAWS OF FLORIDA.

CHAPTER 5851—(No. 256).

AN ACT to Establish the Municipality of South Jacksonville, Provide for Its Government, Fix Its Territorial Limits and Prescribe Its Jurisdiction and Powers.

Be It Enacted by the Legislature of the State of Florida:

Territorial
boundaries.

Section 1. That a municipality to be called the City of South Jacksonville is hereby established in Duval County, the territorial limits and area of which shall be as follows: Beginning upon the east bank of the St. Johns River, at a hickory tree standing at the mouth of an old ditch in the Craig Grant, Section Forty-six (46), Township Two (2) South, Range Twenty-six (26) East and running thence North Sixty-five (65) degrees Fifty (50) minutes East, along the northern boundary of the land conveyed by Martha Mitchell to David Ferguson Mitchell by deed, dated October 3rd, 1899, and re-recorded in Deed Book I, page 653, et seq., of the present public records of Duval County, Florida, and upon a continuation of the same course of the said line until the same intersects the westerly line of the tract of land known as the subdivision of the Jacksonville Marine Railway Company, as recorded in Plat Book I, page 4, of the former public records of said Duval County, if said westerly line were extended southerly in the same course as is shown upon the plat aforesaid; thence from said point of intersection northerly by and with said west line of said Jacksonville Marine Railway Company's sub-division and the extension of the same to the southerly bank of the St. Johns River; thence northerly upon a continuation of said line to the south side of the channel of the St. Johns River; thence westerly and southerly up the south and west side of the channel of the St. Johns River to a point opposite to and in line with the place of beginning; thence north sixty-five (65) degrees fifty (50) minutes to the place of beginning.

Succession,
etc.

Sec. 2. Said corporation shall have perpetual succession; may sue and be sued; plead and be impleaded; may purchase, lease, receive and hold property, real and personal, within said city; and may sell, lease or otherwise dispose of the same for the benefit of the city; and may

purchase, lease, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of waterworks, for the establishment of poor houses, pest houses, houses of detention and correction, for public parks and promenades, and for other public purposes that the Mayor and City Council may deem necessary and proper; and may sell, lease or otherwise dispose of such property for the benefit of the city to the same extent as natural persons may. Said city shall have and use a common seal, and change it at pleasure.

Sec. 3. The corporate authority of said city shall be vested in a Mayor and City Council, and such other officers as may be appointed and elected in pursuance of law. Corporate authority.

Sec. 4. No person shall be eligible to any of said offices who shall not be a qualified elector and freeholder of said city, residing within the territorial limits thereof, and in case any officer shall remove his residence beyond the said limits of the city, his office shall thereby immediately become vacant. In case any vacancy shall occur in any city office, such vacancy shall be filled by a majority vote of all the members of the City Council, and the person so appointed by the City Council shall hold office until the next annual election of officers, and until his successor is elected and qualified. Eligibility. Vacancy.

Sec. 5. The Mayor shall be elected by the qualified electors of said city for the term of one year, and shall hold office until his successor is elected and qualified. He shall have the power to preserve the peace and enforce good order within the city. He shall receive no compensation for his services as Mayor, except such portion of the fines and costs imposed and taxed in the prosecutions for violations of any city ordinance, as the City Council may by ordinance provide. Mayor.

Sec. 6. The Mayor shall have jurisdiction for the trial of all offenses against the city ordinances. He shall see that the ordinances of the city are faithfully executed; he shall have power by his warrant to have brought before him any person or persons charged with the violation of city ordinances, and to require the attendance of witnesses for the city and the accused; to administer oaths, to take affidavits and to inquire into the truth or falsity of Jurisdiction, powers and duties of Mayor.

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Authority,
powers and
duties of
Mayor.

all charges preferred; to decide upon the guilt or innocence of the accused, and to fix and enforce by penalty the sentence prescribed by law and the ordinances of the city; to pardon and release persons convicted by him, in term time or otherwise, by mandate in writing to the Marshal or any policeman; to have and exercise all the powers incident and usual to the due enforcement of his jurisdiction. Appeals from the judgment and sentence of the Mayor shall be taken in the time and manner prescribed by law, but all appeal bonds shall be submitted to the Mayor, and if approved by him, said appeal shall operate as a supersedeas. He shall keep a record of his official acts, substantially setting forth the charges preferred against the parties brought before him by warrant or otherwise, and of the judgment rendered in each and every case, and he shall require the clerk to make and preserve such record by regular minutes; he may appoint and discharge special policemen and detectives, subject to the approval of the City Council at their next regular meeting.

Supervision,
etc., of May-
or over offi-
cers and
offices.

Sec. 7. The Mayor shall have general supervision over all city affairs and officers, except City Councilmen, and may examine into the condition of their offices, the books, records and papers thereof and therein, and the manner of conducting their official business. He shall report to the City Council all violations or neglect of duty, or any misfeasance, malfeasance or non-feasance in office, or neglect of duty or improper conduct on the part of any city official that may come to his knowledge.

Approval of
ordinances.

Sec. 8. Every ordinance passed by the City Council, before becoming a law, shall be presented to the Mayor under the certificate and seal of the Clerk for approval or disapproval. If the Mayor approve the same he shall sign it and return it to the Clerk within five days, but if he shall not approve it he shall return it to the Clerk, with his objections in writing, at or before the next regular meeting of the City Council for reconsideration, and if the City Council shall pass the ordinance by four-fifths vote of the members present, it shall become a law. If the Mayor shall fail to return any ordinance, or shall return the same unsigned without objections in writing at or before the next regular meeting of the Council after its passage, the ordinance shall become a law.

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Sec. 9. The Mayor shall communicate, from time to time in writing, to the City Council such information and recommend such measures touching the public service as he may deem proper. He shall take care that all the ordinances and laws of the city and the orders of the City Council are duly observed and enforced, and he shall perform such other duties as the ordinances may require.

Duty of Mayor.

Sec. 10. The Mayor may be impeached by the City Council for misfeasance, malfeasance or nonfeasance in office, and for drunkenness or habitual intoxication, and he may be removed from office upon conviction by an affirmative vote of four-fifths of all the members of the City Council. Should charges at any time be preferred against the Mayor, they shall be in writing, shall clearly set forth the offense or offenses of which he is accused, and a copy thereof signed by the President or President Pro Tempore of the City Council, attested by the City Clerk, with the seal of the city attached, shall be served on him by the Marshal, and the Council shall proceed without unnecessary delay to investigate the charges and decide them. The Mayor shall have the right to be heard in person or by attorney at such investigation and trial.

Impeachment of Mayor.

Sec. 11. In the event of death or absence of the Mayor from the city, or his inability, from sickness or other cause, to discharge the duties of his office, the President of the City Council, or in his absence or disability the President Pro Tempore shall discharge the duties of the Mayor.

In case of death or absence of Mayor.

Sec. 12. The legislative power of the corporation shall be exercised by a City Council, composed of five members, who shall serve for a period of two years, and until their successors are elected and qualified, unless otherwise provided in this act. The first election for all city officers provided for in this act shall be held on the first Tuesday after the first Monday of December, A. D. 1907, and annually on the same day thereafter there shall be held an election for city officers. At the first election the five members of the City Council shall be elected, and the two members elected who shall of the five receive the lowest vote shall hold office for one year and until their successors

Council.

Election.

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Council.

are elected at the election in 1908. The two members of the City Council elected at the election in 1908 shall hold office for two years, and their successors shall be elected in the even years thereafter. The three members of the City Council who shall receive the highest vote at the election in 1907, shall hold office for two years, and their successors shall be elected in the odd years thereafter. All vacancies between elections which shall occur in the City Council shall be filled by the votes of the majority of the remaining members. The members shall elect annually one of their number to be their presiding officer, who shall be called the President of the City Council, and shall have power to enforce such rules as may be adopted by the City Council. The members of the City Council shall serve without pay.

Council.

Sec. 13. The City Council may determine its own rules of proceeding and prescribe the punishment of its members for non-attendance or disorderly conduct, and enforce the same. Three of its members concurring, it may expel a member for non-attendance or other improper conduct while in office. The majority of the members of the City Council shall be required to form a quorum for the transaction of business, but a smaller number may adjourn, from day to day, and under the provision of ordinance may compel the attendance of absent members by fines and penalties. The President of the City Council and City Clerk shall have the power to administer necessary oaths and may issue subpoenas and compulsory proceedings to compel the attendance of persons and the production of books and papers before the City Council or any committee of the same. The City Council shall hold meetings at such times as it may determine, not less than one regular meeting a month.

Requirements in the passage of bills.

Sec. 14. No bill shall become a law without first having been passed on three several readings by majority vote, and on the third reading a majority of the whole number of the City Council shall be required, nor shall any such bill be effective until the same is signed by the Mayor, except that it may be passed without his signature or over his veto as herein provided.

Powers of Council.

Sec. 15. The City Council shall have power, by ordinance, to levy and collect taxes on all property and priv-

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Powers of
Council.

illegals taxable by law for State purposes; to appropriate money and provide for the payment of all debts and expenses of the city; to make regulations to prevent the introduction of contagious diseases in the city; to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to provide for the cleaning and keeping in good sanitary condition all premises within the limits of the city; to regulate the construction and arrangement of earth closets and privies, and to make all reasonable rules and regulations in regard thereto; to provide the city with water by water-works, within or beyond the boundaries, by contract or otherwise; to provide for the prevention and extinguishment of fires, and to organize and establish fire departments; to provide for lighting the city; to make appropriations; to open, alter, abolish, widen, extend, establish, improve, clean and keep in repair streets, alleys and sidewalks; to erect, establish and keep in repair privies, culverts, sewers and gutters; to grant rights and franchises to and upon the streets, alleys, public roads, ways and avenues of said city for public utilities; to make appropriations for lighting streets and public buildings, and for the erection of all buildings necessary for the use of the city; to license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and of property within the city; to license, tax and regulate all privileges taxable by the State; Provided, That no license tax shall exceed one-half of the license tax imposed by the State; to prohibit and suppress all gambling houses, bawdy and disorderly houses, and obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fires, and to regulate and license the sale of firearms and suppress the carrying of concealed weapons; to regulate the storage of combustible, explosive and inflammable materials; to provide for and regulate the inspection of beef, pork, flour, meal and all other provisions, oils, whiskey and other spirits; to regulate the inspection of milk, butter, lard and other provisions; to regulate the vending of meat, poultry, fish, fruits and vegetables; to establish and regulate markets; to impose penalties upon the owners,

Proviso.

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Powers of
Council.

occupants or agents of any house, walk, or sidewalk, or other structure, which may be considered dangerous or detrimental to the citizens, unless, after due notice to be fixed by ordinance, the same be removed or repaired; to regulate, tax, license or suppress the keeping and going at large of all animals within the city, to impound the same, and, in default of redemption in pursuance of ordinance, to sell, kill or otherwise dispose of the same; to establish pound limits within the city; to provide for inclosing, improving and regulating public grounds belonging to the city in or out of the corporate limits; to regulate the anchorage or mooring of vessels, lighters and rafts in front of the streets of, or such property as may be owned or controlled by the city; to pass all ordinances necessary for the health, morals, convenience and safety of the citizens; to secure peace and good order in the city and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation; to provide for the appointment of a police force; to provide for the arrest of persons violating any ordinance, and for their punishment, upon conviction, by fines, forfeitures, penalties and imprisonment with or without labor, but no penalty shall exceed five hundred dollars, and no term of imprisonment shall be for a longer term than three months for the same offense. Nothing contained in this section shall be construed as limiting the amount of the tax which the City Council may impose upon the sale of spirituous, vinous or malt liquors; Provided, Said Council shall not pass any law, rule or ordinance in conflict with the rules or regulations of the State Board of Health, or by which its powers and jurisdiction shall in any way be affected or impaired.

Proviso.

Mayor and
Council pro-
hibited from
engaging in
certain pur-
suits.

Sec. 16. The Mayor and City Council are forbidden to make any appropriations of money or credit in the way of donation, festivities, pageants, excursions or parades, nor shall they be authorized to subscribe for stock in any railroad company or in any other corporation, or give or lend any money, aid or credit to any person or corporation whatever, and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for purposes strictly municipal and local and according to the provisions of this act. Said municipality shall not exempt any property from taxation which shall not be exempt from taxation by the State.

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Sec. 17. There shall be one office of City Clerk and Tax Assessor and said officer shall be elected by the qualified electors of said city for the term of one year, and shall hold office until his successor is elected and qualified. He shall receive no stated salary, but the City Council may, by resolution, from time to time provide for and order the payment of reasonable compensation for services by him actually performed. He shall be known and sign all documents, rolls and papers as City Clerk. He shall give such bond as the City Council may require. He shall keep a record of all judgments and proceedings of the Mayor's Court, and shall attend all special and regular meetings of the City Council, and shall keep record of all the proceedings and acts of the City Council, and shall record in books to be kept for that purpose all ordinances and resolutions passed by the City Council, and perform all such other duties as usually pertain to the office of City Clerk, and as may be required by the City Council.

City Clerk
and Tax As-
sessor.

Sec. 18. There shall be one office of City Treasurer and Tax Collector, and said officer shall be elected by the qualified electors of said city for the term of one year. He shall hold office until his successor is elected and qualified. He shall be known and designated as City Treasurer, and shall sign all documents and papers as City Treasurer. He shall receive no stated salary, but the City Council may, by resolution, from time to time provide for and order the payment of reasonable compensation for services by him actually performed. He shall give such bond as the City Council may require. He shall receive and collect all taxes and all other moneys due the city. He shall keep complete and accurate accounts and records of all moneys by him received and paid out, and of all the transactions of his office, and shall perform all such other duties usually pertaining to his office as may be required of him by the City Council.

Treasurer.

Sec. 19. The City Treasurer shall pay out no funds of the city except upon a warrant of the City Clerk, under the corporate seal of the city, and countersigned by the President of the City Council. The City Clerk shall draw no warrant upon the City Treasurer except upon the order of the City Council. All bills, accounts and claims of debt of every kind whatsoever shall be considered and passed upon by the City Council at regular meetings. It shall be

Drawing of
warrants.

Bills, ac-
counts, etc.

1907.

the duty of the City Council to consider and pass upon each item of all pay rolls, accounts and bills, and the City Council shall not pass upon, allow or order the payment of any bill, pay roll or account until each item of said bill, pay roll or account is presented to them. The City Council shall not order any warrant or warrants to be drawn unless there be funds in the hands of the City Treasurer sufficient to meet or cover such warrant or warrants.

Marshal.

Sec. 20. There shall be a City Marshal, who shall be elected by the qualified electors of said city, for the term of one year, and shall hold office until his successor is elected and qualified. He shall give such bond as the City Council may prescribe and shall receive such compensation as the Council may by ordinance provide. His compensation shall not be changed during his term of office.

Duties of Marshal.

Sec. 21. It shall be the duty of the Marshal to attend all regular and special meetings of the City Council; to aid in the enforcement of order under the direction of the presiding officer; to execute the commands of the Council from time to time, as well as of the Mayor in the line of his duty, and to execute all processes issued by the authority thereof; to attend the Mayor's Court during its sittings, and to execute its commands; to aid in the enforcement of order therein, under the direction of the Mayor, and to perform such other duties as may be appropriate to his office under the provisions of law or be required by ordinance. He shall have control of the police force, subject to the commands of the City Council, and shall have police powers of arrest.

Authority to arrest without warrant, etc.

Sec. 22. The Marshal shall have power and authority to immediately arrest, with or without warrant, and take into custody any person or persons who shall commit, threaten or attempt to commit, in his presence or within his view, any offense prohibited by the ordinances of the city; and he shall, without unnecessary delay upon making such arrest, convey the offender or offenders before the Mayor to be dealt with according to law.

Common law and statutory authority.

Sec. 23. The Marshal and members of the police force in addition to the powers incident to their office, and as herein designated, shall possess common law and statutory

authority of Constables except for the service of civil process.

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Sec. 24. The City Council shall have the power to re-Inspector.
quire the City Marshal to perform the duties of sanitary inspector and perform such duties with reference to the inspection of property and premises and reporting the same, as the City Council may require.

Sec. 25. The City Council shall have the power, by ordi-Liquors.
nance, to license, tax and regulate the sale of spirituous, vinous and malt liquors.

Sec. 26. The city shall have power to raise by taxAuthority to
and assessment upon all real and personal property all tax.
sums of money which may be required for the improvement and good government of the city, and for the carrying out of the powers and duties herein granted and imposed.

Sec. 27. The city may make its own assessment of prop-Assessments
erty for taxation, but the valuation of property by the and valua-
municipality shall not exceed the last valuation thereof tions.
by the State for taxation, and the total tax levied upon any property in any one year shall not exceed one per cent upon such State valuation, but this provision shall not be so construed as to prevent the city from making such special assessments of property for improvements as are specified in this act. All assessments of property for taxation shall be as nearly as practicable in the manner now provided by the law of the State for the assessment of taxes.

It shall not be necessary to describe personal propertyDescription
assessed for taxation, and the term "personal property" of personal
shall be a sufficient description to sustain any listing and property.
assessment of the personal property of any person, firm or corporation.

Sec. 28. All persons, corporations or firms owning prop-Returns.
erty, whether real or personal, subject to taxation by the City of South Jacksonville, are hereby required to make return of the same before the first day of June, 1907, and before the first day of March in every year thereafter, to the City Clerk.

1907.

Returns.

Sec. 29. Such return shall be made upon and in compliance with blanks prepared therefor and furnished by the City of South Jacksonville, and shall contain a complete list of all the property taxable by the city belonging to such person, firm or corporation, on the first day of January in the year for which such return is made, giving separately an intelligible description of each separate lot or parcel of real estate. The description of the property thus returned may be considered by the City Clerk in making assessments, but he shall not be bound thereby. Should any person, firm or corporation omit to make return as above required, the assessing officer shall assess property not thus returned in the name of the owner, if the name of such owner shall be known to him, and where the name of the owner is not known to him, he may assess it in the name of the supposed or reputed owner or occupant, or as belonging to an unknown owner, and in no case where the real owner has failed to make return of his property as herein required, shall the assessment thereof be declared invalid or not lawfully made, or the enforced payment of taxes thereon be resisted by reason of such property being assessed otherwise than in the name of the real owner.

**Assessments,
etc.**

Sec. 30. It shall be the duty of the City Clerk to make out and submit to the first meeting, or as soon thereafter as practicable, of the City Council in June of each year a preliminary assessment roll of the city. As soon as practicable after the assessment roll shall be completed and submitted to the City Council, it shall cause to be published a notice that said assessment roll has been submitted to the City Council and approved, and requiring all persons desiring to have corrections thereof made, whether in the listing, valuation of the property or otherwise, to file with the City Clerk on or before a day to be named in said notice, which day shall not be less than ten days after the first publication of said notice, their petition to the City Council, setting forth their objection to said assessment and the correction that they desire made. Said notice shall be published daily for four successive days in some newspaper published in Duval County, and shall name a time when, and the place where, the City Council will meet for the purpose of equalizing the assessments and making proper correc-

1907.

tions. From the date of first publication of said notice to and including the time of such meeting of the City Council, the assessment roll shall be open to the inspection of the public during reasonable office hours.

All petitions for corrections of assessments so filed with the City Clerk shall be by him delivered to the City Council, and the Council, by committee or otherwise, shall investigate concerning the same, and upon the day named therefor in the notice shall meet and sit as a tax equalizing board for the purpose of equalizing said assessments and correcting the same, and shall consider and act upon all petitions and shall make such changes in the valuation or listing of the property as may be necessary to the proper, just and legal equalizing of said assessment. It shall be the duty of the City Clerk to make out a complete tax roll as corrected by the City Council, and after the same has been adopted and approved by the City Council it shall stand as the assessment of the taxable property in the city. As soon as practicable after such approval and adoption of the assessment roll the City Council shall determine and fix the rate of taxation and make the annual tax levies of the current year. The City Council may levy a tax to be raised as a whole, or may make special levies for particular purposes as to them shall seem best.

Petitions for corrections of assessments, etc.

The City Clerk shall make two assessment rolls, the original of which he shall retain in his office, and the copy shall be delivered to the City Treasurer. To each of the assessment rolls he shall attach his certificate in the following form:

"I,, City Clerk of the City of South Jacksonville, do hereby certify that the foregoing is the assessment roll of the taxable property in the City of South Jacksonville, valued at its full cash value not exceeding the value by the State for the preceding tax year, and that it contains a true statement and description of all the property in the City of South Jacksonville subject to taxation by said city, or liable to be assessed therein; that the listing and valuations in said rolls show correctly and accurately the listing and valuations as corrected, accepted and adopted by the City Council, and that all the requirements of the laws and ordi-

Clerk's certificate.

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nances regulating the making of the assessment roll of the City of South Jacksonville have been complied with.

"Dated this day of

 "City Clerk of the City of South Jacksonville."

To the assessment roll delivered to the City Treasurer the City Clerk shall attach a warrant under his hand substantially in the form following, to-wit:

"The State of Florida, City of South Jacksonville.

"To....., City Treasurer of the City of South Jacksonville:

Clerk's war-
rant.

"You are hereby commanded to collect out of the property and from each of the persons, corporations and firms named in the annexed roll, the taxes set down in such roll opposite each name, corporation or firm, or parcel of land therein described; and in case the taxes so imposed are not paid at the time prescribed by law, you are to collect the same in such manner as provided by law, and all sums collected you are to account for as the Treasurer of the City of South Jacksonville; and you are further required to make all collections and reports and a final report to and settlement with the Clerk and City Council as required by law and ordinances.

"Given under my hand this.....day of.....

".....,
 "City Clerk of the City of South Jacksonville."

When taxes
are due, col-
lectible, etc.

Sec. 31. All taxes shall be due and payable on the first day of September in each year, or as soon thereafter as the assessment roll may come into the hands of the City Treasurer, of which he shall give notice by publication once a day for four successive days in some newspaper published in Duval County, Florida, and the taxes remaining due and unpaid on the first day of January thereafter shall be enforced in the manner prescribed by law, and interest at the rate of 12 per cent per annum from the first day of January shall be added thereto and collected; provided, no interest shall run until ten days shall have elapsed from the date of the first publication of said notice by the City Treasurer.

Any assessment of taxes shall be and remain a lien as of

and from the first day of January on the property assessed superior to all other liens or claims until the same shall be paid. The City Treasurer shall have power to issue distress warrants and alias and pluries distress warrants in the name of the State and city to enforce the collection of taxes on property and privileges.

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Lien.

Distress warrants.

Such warrants may be executed by the City Marshal, or by any Constable or Sheriff. The officer to whom the writ is directed shall execute the same by service on the defendant, if he be found within the city, and by levies on the property distrainable for such taxes, and he shall give public notice of the time and place of sale of the property to be sold at least fifteen days previous to the sale, by posting a notice of such sale at the City Hall and two other public places in the city; Provided, That if the person owning or claiming such property cannot be found in the city, no personal service shall be required. At any time previous to the sale the owner of such property may release the same by the payment of the taxes and the charges for which the same was liable to be sold. In case any levy shall be made as aforesaid, the officer making the levy shall be entitled to the same fees as are allowed the Sheriff.

Distress warrants.

Provido.

Sec. 32. If the property levied upon shall be sold for more than the amount of taxes, costs and collection fees, the surplus shall be returned to the person in whose possession the said property was when the levy was made, or to the owner of the property. All unpaid taxes and assessments may be collected by suit in courts of law or in equity.

In case of surplus on sales for taxes.

The City Council may, by resolution, certify to an attorney at law in Duval County, Florida, any unpaid taxes and assessments for collection, and if the taxes or assessments are collected without suit, he shall receive for his services such reasonable compensation as may be fixed by ordinance, which shall be in addition to the amount of such tax or assessment and shall be a lien upon the property the same as the tax or assessment. In case of suit he shall receive such reasonable attorney's fees which shall be recovered and collected by such suit, as may be fixed by the court.

Employment of attorney to make collections, etc.

1907.

Treatment
of unpaid
taxes.

Sec. 33. If the taxes on real estate shall not be paid before the first day of January next after the tax roll shall have come into the hands of the Collector, the City Council may require the Collector any time thereafter to make from the assessment roll a separate copy of any assessment thereon remaining unpaid, showing the assessment of any lot, parcel or tract of land as the name appears from the city assessment roll, which he shall certify to be a true and correct copy from the city tax assessment roll of the assessment of the lot, parcel or tract therein described, and deliver the same to the solicitor or attorney-at-law selected by the City Council for the collection, which certified copy shall be prima facie evidence of the contents of the assessment roll, and of the levies made thereon in all suits to enforce the payment of, or the lien for, such taxes as may appear in the said copies.

The attorney or solicitor charged with the collection of any such tax may thereupon prepare and file in the office of the Clerk of the Circuit Court for Duval County, Florida, a bill in chancery in the name of the City of South Jacksonville, alleging the city's claim of lien against such real estate, and he shall name as parties defendant to the said bill the parties named as owners of such real estate on the copies from the city's assessment rolls so certified to him, and such other persons as the solicitor may know or have satisfactory reason to believe the owner of, or interested in such real estate, or to have any right thereto or lien thereon; and the city's claim and lien for taxes and assessments shall be by said court enforced by decree and sale of the property against which a lien is found to exist, as other liens are enforced in chancery.

The taxes or assessments on any number of different tracts, pieces or parcels of land may be collected in one suit, as the solicitor for the city may determine.

Collection of
moneys due
the city.

Upon a collection of moneys due the city, payment shall be made, first, of all court costs, including Clerk's, Sheriff's and Master's and advertising fees; second, of the amount due the city for taxes and interest, and last, of the attorney's or solicitor's fee for services in connection with the collection of said tax.

Sec. 34. The City Council shall have full and complete jurisdiction, charge and control over all the public or

dedicated roads, ways, avenues, streets and alleys in the limits of said city, and shall have power to cause obstructions to be removed therefrom, and to restrain and regulate the use and occupation of the same by any person or corporation whatsoever to the end that the safety, comfort and welfare of the public may be secured and preserved.

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Authority of Council over roads, streets, etc.

Sec. 35. The City Council of the City of South Jacksonville is hereby authorized, by ordinance, to regulate, provide for and require the construction and repair of sidewalks and foot pavements along and in front of lots fronting or abutting upon any street, park or other public place in said city, by the owners of such lots, and if the owner or owners of any lot shall fail to comply with the provisions of such ordinance, the City Council of said city may have sidewalks or foot pavements constructed or repaired along and in front of any such lot, and the cost of such construction or repairing, with interest thereon, from the date of completion of the work, shall be a lien superior to all other liens, excepting only liens for taxes, upon such lot along and in front of which the sidewalk or foot pavement has been constructed or repaired, and the cost thereof, with interest, may be assessed as a special tax against the lot along or in front of which such sidewalk or foot pavement was constructed or repaired, or the lien for the cost thereof, with interest, may be enforced against the property by suit at law or in equity. As soon as practicable, and within thirty days, after the construction or repair of any such sidewalk or foot pavement, the City Council shall have prepared a statement of the cost thereof and shall have entered up in a book, which shall be prepared for that purpose, and kept open to public inspection, during reasonable office hours in the office of the City Treasurer, labeled, "Street Improvement Lien Book," the amount of such cost, the date of the completion of the work, the lot upon which a lien is claimed, and such other information as the Council may deem advisable; Provided, however, That if the cost of such construction or repair shall be paid to the city within forty days after the completion of the work, no interest thereon shall be charged; and, Provided further, That any person owning any lot or owning an interest therein, or having a lien thereon, shall have the right, at any time within sixty days after the completion of the construction or repair of

Liens on property for construction, repair, etc., of sidewalks, foot pavements, etc.

Providso.

Providso.

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Petition of
property
holder.

any sidewalk or foot pavement, to present to the City Clerk a sworn petition to the City Council, stating his interest in the property and alleging that in the opinion of the petitioner the cost of the construction or repair of such sidewalk or foot pavement as entered up in the Street Improvement Lien Book exceeds the actual cost thereof, or is otherwise erroneously entered up, or exceeds the special benefits accruing to the lot affected by the lien.

Treatment of
petition of
property
holder, etc.

If such petition is presented within said time to the City Clerk, the City Council shall hear and consider the petition and make due and proper inquiry into the question involved, and if it shall appear to their satisfaction that the cost as entered up is erroneously stated or entered up, or exceeds the special benefits accruing to the lot affected by the lien, then the City Council shall, by resolution, so declare, and shall have the entry thereof in the Street Improvement Lien Book corrected, and shall fix the amount to be charged up against such lot at an amount not exceeding in the discretion of the City Council the special benefit accruing to such lot, and the amount so fixed shall stand as the amount of such lien, and any amount of such cost found to be in excess of special benefits shall be paid by the city. In all cases where no petition shall have been filed as hereinbefore provided within sixty days after the completion of the construction or repair of any sidewalk or foot pavement, the cost thereof as entered up in said book shall become and be a fixed lien upon the lot. In no event shall the validity of such lien as primarily entered in said Street Improvement Lien Book, or as fixed by the City Council on petition duly presented, be questioned in any direct or collateral proceeding instituted more than three months after the completion of the work, and a copy of the entry of any such lien in the Street Improvement Lien Book, certified by the City Clerk under the corporate seal of the city, shall constitute prima facie evidence of the amount and existence of the lien upon the property described. Any person owning or interested in any lot upon which a lien exists shall have the right to pay off said lien in four quarterly installments, paying in the first installment of one-fourth the cost, with interest, on the whole amount to date of payment within two months after the completion of the work; the second installment of one-fourth the cost, with interest to date of

payment within five months after completion; the third installment of one-fourth the cost, with interest to date of payment within eight months after completion, and the remainder with interest to date of payment within eleven months after completion, but a failure to pay any of such installments within the time prescribed shall cause the whole amount to become due and payable, and it shall be the duty of the municipal authorities to enforce the payment of any such lien in all cases where the owner shall be in default as to any payment more than three months.

The word "lot," wherever used in any section of this act, shall be construed to mean any lot, piece or parcel, or other division or sub-division of land, and the word "street," wherever used, shall be construed to mean street or part of street, and to include lanes, alleys, driveways, parkways and all thoroughfares, and the word "park," wherever used, shall be construed to include public squares and all public places other than streets, and the word "work" shall be construed to include the purchase of all things necessary to be purchased and the doing of all things necessary to be done under the ordinance, and the liens hereby created shall cover interest and all costs and expenses of publication of notices and costs of collection, including reasonable attorney's or solicitor's fees and commissions and court costs.

And the City Council shall be authorized to make a contract or contracts with an attorney or attorneys for the representation of the city in all matters pertaining to the enforcement or collection of liens given or created by or under this act, upon terms and conditions that such attorney or attorneys shall receive for services in that connection only such fees as may be collected from the owners or out of the property upon which the lien exists, in case of default in the making of payments as authorized and provided to be made under the provisions of this act, and that in the event of failure to collect the city shall not be liable to give any compensation for professional services in such suit.

The city authorities having charge of the collection of any lien, whether provided for in this or other sections of this act, shall have the right to accept from any person

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City authorized to accept proportionate part of lien or liens.

owning or interested in any part of a lot which may be included with other lands in an entry in the Street Improvement Lien Book the proportionate part of the amount covered by the lien, retaining a lien for the remainder of such amount upon the remaining lands, and shall have the right to accept from any person owning or having undivided interest in any lot the proper proportionate part of such lien, retaining a lien for the remainder of such amount upon the remaining undivided interest in said lot. All payments when made upon liens shall be noted in the Street Improvement Lien Book.

Elections.

Sec. 36. The qualified electors of said city in any election for city officers shall be the persons residing in said city who are qualified to vote in said city at the regular election for State officers, next preceding such election for city officers. The City Council shall provide for holding all elections for city officers, and for canvassing the votes and certifying the results thereof. The person receiving the highest vote shall be entitled to the office. In the election of Councilmen the five persons receiving the highest vote in the election in the year 1907 shall be entitled to office, and thereafter the two receiving the highest vote at the election in the even years, and the three persons receiving the highest vote at the election in the odd years shall be entitled to office. The elections shall be held as near as may be in accordance with the provisions of law governing elections for State officers, and the same form of ballot shall be used as is now provided by law for use in elections for State officers, and the City Council shall have the official ballots prepared and printed. Any person desiring his name to be printed upon the official ballot as a candidate for any office shall, not less than fifteen days before the election, file with the City Clerk a petition signed by ten or more qualified electors of said city, asking that his name be placed upon the official ballot as a candidate for such office. The City Council shall place upon the official ballot the names of those for whom petitioners have been filed within the time herein provided, and no others, but shall leave upon such ballot sufficient space for other names to be written in by the voters.

Sec. 37. All officers of said city before entering upon

the duties of their office shall take and subscribe to an oath to faithfully perform the duties of their office.

1907
Oath.

Sec. 38. Any officer of said city may be impeached by the City Council and removed from office for misfeasance, malfeasance or nonfeasance in office or for drunkenness or habitual intoxication by an affirmative vote of four-fifths of all the members of the City Council. Should charges be preferred against any officer the same procedure shall be had and observed as provided in this act in case of charges against the Mayor.

Sec. 39. The officers of the City of South Jacksonville shall have and exercise all the powers conferred by general law upon municipal officers, not inconsistent with the terms of this act. The said officers shall have the power to condemn lands and their appurtenances for the same purpose and in the same manner as is set forth and provided in Section 1040 of the General Statutes of this State.

Powers of officers.

Sec. 40. The City Council shall have exclusive power to make all public improvements and expenditures authorized by ordinance, but shall let all contracts of over two hundred dollars to the lowest responsible bidder.

Power of Council to make improvements.

Sec. 41. The City Council shall not employ or contract with the Mayor or any Councilman or with any other city official.

Contracts prohibited.

Sec. 42. The license tax imposed by the City Council upon dealers in spirituous, vinous or malt liquors shall not exceed ten thousand dollars per year, and shall not be less than five thousand dollars per year.

Limit on license on liquor dealers.

Sec. 43. No suit shall be maintained against the city for damages arising out of its failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street or other public place, unless it shall be made to appear that the damage alleged was attributable to the gross negligence of the city, and that written notice of such damage was, within thirty days after the receiving of the injury, given to the Mayor with such reasonable specifications as to time and place and witnesses as would enable the city officials to investigate the matter; and no verdict shall in any suit be given for an amount exceeding com-

Certain damage suits against city shall not be maintained, etc.

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pensation damages to the plaintiff directly attributable to such negligence on the part of the city, and not caused by contributory negligence on the part of plaintiff.

Damage
suits.

It shall be the duty of the Mayor, upon receiving any such notice, to at once investigate the matter and lay the facts, supported by the evidence, before the City Council in a written report, and the City Council shall have the right, and upon the written request of the person injured, it shall be the duty of the City Council to investigate the matter, and it may, by ordinance, make such reasonable settlement of any such damages as may be agreed upon between the City Council and the person so damaged, which settlement must be approved by three-fifths of all the members of the City Council.

Governor
shall ap-
point offi-
cers, etc.

Sec. 44. That the Governor shall appoint one person as Mayor, five persons as City Councilmen, one person as City Clerk and Tax Assessor, one person as City Treasurer and Tax Collector, and one person as City Marshal of the said City of South Jacksonville, and the persons so appointed shall be and constitute the officers of said City of South Jacksonville, and shall hold office until their successors are elected at the first election of officers provided for in this act and shall qualify. The persons so appointed by the Governor shall be qualified electors and freeholders of said city, residing within the territorial limits thereof, and shall take the oath of office prescribed in this act, and the City Clerk and City Treasurer and City Marshal shall give such bond as may be required by the City Council. When such officials appointed by the Governor shall have qualified as herein prescribed, they shall have and exercise all the duties, functions and powers provided for and conferred by this act upon the government and officers of said city. The officers so appointed and qualified shall have the power to levy a tax upon all the taxable real and personal property in said city for the year 1907, and prepare and complete assessment and tax rolls and books in the manner provided for in this act, and the taxes so levied and assessed shall be and become a lien on the property against which the same shall be assessed, and shall become due and payable and shall be collectable in the same time and manner prescribed and provided in the foregoing sections of this act; Provided, The valuation at which said property

Powers of
such ap-
pointed offi-
cers.

Provide.

is assessed shall not exceed the valuation at which said property is assessed for the purpose of State taxation, and the rate of taxation shall not exceed one per cent upon such valuation. The said officers shall have power to license and tax privileges and occupations in the manner and within the limitations provided in this act. In order to meet the expenses of the city government until taxes sufficient therefor are collected, the Mayor and City Council so appointed may from time to time contract for and borrow money at a rate of interest not exceeding eight per cent per annum; Provided, The total amount of money so borrowed from time to time shall not exceed the sum of one thousand dollars. For the amounts so borrowed the City Clerk shall, upon the order of the City Council, draw his warrant or warrants under the corporate seal of the city, upon the City Treasurer, and the same, when countersigned by the President of the City Council, shall become and be valid evidences of debt against said city of South Jacksonville.

Sec. 45. This act shall take effect and become a law upon its passage and approval by the Governor.

Approved May 21, 1907.

CHAPTER 5852—(No. 257).

AN ACT to Amend Sections Three and Five, Chapter 4504, Acts 1895, Entitled "An Act to Declare Legal the Incorporation of the Town of Starke, in the County of Bradford, Incorporated under the General Law for Incorporating Cities and Towns, and to Provide for the Issuing of Bonds by Said Town for the Purpose of Establishing a System of Waterworks, Sewerage and for Illuminating Purposes, and to Create a Board of Public Works for Said Town."

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section three of Chapter 4504, Acts 1895, be and is hereby amended to read as follows:

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Bond issue.

Sec. 2. That the Town Council of said town of Starke shall have power, with the approval of the majority of the qualified electors of said town actually voting at the election to be held for that purpose, to issue bonds, bearing not a greater rate of interest than six per centum per annum to an amount not to exceed fifty thousand dollars, and to run for a period of not more than thirty years. The issuing of such bonds shall be for the purpose of establishing a system of waterworks and sewerage; for paving the streets of said town and also for illuminating purposes, and for none other.

Sec. 3. That Section five of Chapter 4504, Acts 1895, be and is hereby amended to read as follows:

Denomina-
tion, inter-
est, etc., of
bonds.

Sec. 4. That the bonds issued under this act shall be of a denomination not exceeding one thousand dollars each, and bear interest not to exceed six per centum per annum, with coupons attached for the interest, which shall be payable semi-annually on the first day of January and July, and the bonds shall become due and payable at any time not greater than thirty years, as said corporate authorities may determine.

Sec. 5. That this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved June 3, 1907.

CHAPTER 5853—(No. 258).

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AN ACT Authorizing the City of Tallahassee to Issue Bonds for Making, Constructing and Putting in Operation a Waterworks Plant, or for Purchasing or Leasing or Acquiring by the Exercise of the Right of Eminent Domain, Any Such Plant, and for Enlarging, Extending and Improving Any Such Plant, so Purchased or Leased or Acquired by the Exercise of the Right of Eminent Domain, and to Provide for the Payment of the Principal and Interest of Such Bonds, and the Application of the Proceeds of Any Such Bonds to the Purpose for Which the Same May be Issued, and the Construction, Enlargement, Extension, Improvement, Establishment and Management of Any Such Plant.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The City of Tallahassee, in Leon County, in this State, shall have, and it is hereby given, the power to issue bonds of said city to an aggregate principal amount not exceeding seventy-five thousand dollars for the purpose of making, constructing and putting in operation, or purchasing or leasing, or acquiring by the exercise of the right of eminent domain, a waterworks plant for obtaining, distributing and furnishing water for the use of said city and its inhabitants, and such other consumers as may require and pay for the same, and extending, enlarging and improving any such waterworks plant so purchased or leased or acquired by the exercise of the right of eminent domain, and such bonds and indebtedness shall be in addition to any bonds or certificates of indebtedness now outstanding or existing against said city, and shall bear interest at a rate not exceeding six per cent per annum, and the principal of such bonds shall mature at a time not more than fifty years from the date of their issue.

Sec. 2. The City of Tallahassee may, at any regular meeting of its Council, or at a special meeting, called for such purpose, pass a resolution declaring that it is expedient for such city to make, construct and put in operation, or purchase or lease, or acquire by the exercise of the right of eminent domain, a waterworks plant for obtain-

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Resolution providing for an election to determine the question by a majority vote of the qualified electors.

ing, distributing and furnishing water for the use of said city and its inhabitants and such other consumers as may require and pay for the same, either the purchasing, leasing or acquiring by the exercise of the right of eminent domain, any such waterworks plant, together with the extension, enlargement and improvement thereof to be construed as one purpose, and that it is also expedient to issue bonds of said city for the carrying out of any one of such purposes, which the said city may thereafter determine to carry out, and stating the amount of bonds, which the said city shall have the power to issue for carrying out any one of the said purposes; Provided that a vote of a majority of such Council shall be necessary to pass such resolution; such resolution shall receive the approval of the Mayor, and in case of his disapproval, the same may be passed over his veto by a two-thirds vote of the Council. Such resolution shall provide for the submission of the question of ratification of the powers therein specified as expedient to be exercised by the said city to the registered voters of the said city residing therein, and shall have paid their taxes for the year then last due thereon, at a regular or special election to be called and held for such purpose, and a majority of the votes cast at such election shall be necessary to such ratification. A majority vote in favor of such ratification shall establish the right of the city to exercise the powers as to any one of the purposes so ratified, and to issue bonds for the same.

Council shall prescribe in resolution regulations to control election.

Sec. 3. The City Council shall prescribe in and by such resolution, the day of election, the polling place and the hours during which the polls shall be kept open, the form of ballot and the regulations to control such election, including the canvass and return of the votes, and shall provide for the registration of all persons duly qualified to vote at such election; and the registration books shall be kept open for such length of time and on such days as may be prescribed by such resolution and shall be closed at least five days before election day; and shall also name in and by said resolution the inspectors, three in number, one of whom shall act as clerk, and the registration officer; Provided, that in case of the failure of any or all such inspectors to act, the places of persons so failing to act may be filled by electors at the polls, and in case of a vacancy occurring in the office of registration officer, it may be filled by appointment to be made by the Mayor.

Sec. 4. Before any election shall take place, such resolution shall be published once a week for at least four consecutive weeks in a newspaper published in said city, and there shall be a similar publication as to the time and polling place, and all of such publications may be included in a proclamation by the Mayor giving notice of such election.

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Notice of election.

Sec. 5. The interest on any bonds so authorized to be issued and a sinking fund to meet the principal of the bonds at maturity, or whenever said bonds may be called, shall be provided for by taxation upon the resources of said city by the ordinance providing for their issue, which ordinance shall also prescribe the rate of interest, date of maturity and time and regulation for calling such bonds, and the denomination and place of payment of both principal and interest, and the maximum amount of the issue, which shall not exceed that stated in the resolution provided for above.

Interest and sinking fund.

Sec. 6. No bond shall be disposed of for any purpose other than that for which it may be issued in accordance with the terms of said resolution and provisions hereof, nor shall the proceeds thereof be applied to any other purpose nor to such purpose except upon resolution of the City Council, nor shall any taxes be collected to pay either principal or interest of any such bonds be applied to any purpose other than that for which the tax was levied.

Purpose of bonds and taxes.

Sec. 7. The proceeds of any such bonds may be used in the purchase of property of any and every kind necessary or proper for the purpose for which the bonds may have been issued, including real estate within or without the corporate limits, and the city may condemn and appropriate to its use any such real estate or right of way in the manner now provided by the laws of this State regulating proceedings for the exercise of the right of eminent domain; and the city is hereby given full power to hold, possess and enjoy any and all such property for the purpose aforesaid.

Property rights and purchase, etc., of property for which proceeds of bonds may be used.

Sec. 8. Whenever said city shall construct, purchase, lease, establish or acquire by the exercise of the right of eminent domain any waterworks plant, the Board of Managers of the Electric Light Plant of said city shall manage and conduct the operations of such waterworks plant and any enlargement, extension or improvement

Managers of electric light plant shall manage waterworks.

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thereof after being made, and the business thereof, under such general rules as may be prescribed by the said City Council of said city.

Power by ordinance or resolution.

Sec. 9. The said city shall have, and it is hereby given, power to do or cause to be done by ordinance, resolution or otherwise, whatever may be necessary for the establishment, construction, purchase, lease, operation and regulation of any such waterworks plant, including one acquired by the exercise of the right of eminent domain, including as well any and all powers conferred upon any city in this State by its charter act as those contained in the general incorporation law; Provided, however, That nothing herein shall authorize the issue of any bonds except in the manner and to the extent herein above by this provided.

Proviso.

Sec. 10. No bonds issued under this act shall be sold for less than par.

Sec. 11. This act shall take effect immediately upon its passage and approval by the Governor.

Approved April 19, 1907.

CHAPTER 5854—(No. 259).

AN ACT to Provide for Keeping the Streets of the City of Tallahassee in good repair.

Be it Enacted by the Legislature of the State of Florida:

Repair of streets.

Section 1. The said city of Tallahassee, Florida, is hereby authorized to require all the able-bodied male residents thereof, over the age of eighteen years and under the age of forty-five years, to keep the streets of said city in good repair, and to pass all necessary ordinances for the enforcement of the provisions hereof.

Sec. 2. This act shall take effect immediately upon its passage and approval by the Governor.

Approved April 19, 1907.

AN ACT Authorizing the City of Tallahassee to Acquire by the Exercise of the Right of Eminent Domain, the Waterworks Plant, Franchises and Other Property of Tallahassee Waterworks Company and Providing the Manner of Procedure Therein.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The public interest requires the acquisition, ^{Public interest requires acquisition of waterworks plant.} by the City of Tallahassee, in Leon County, Florida, for public use, the entire waterworks plant of Tallahassee Waterworks Company, a corporation organized and existing under and by virtue of the laws of said State, including the franchises, lands, wells, buildings, machinery, pipes, reservoirs and all other property of said company, free of all liens and encumbrances whatsoever.

Sec. 2. The said City of Tallahassee is hereby authorized ^{Authority to acquire, by right of eminent domain, waterworks plant.} and empowered to acquire, for public use, by the exercise of the right of eminent domain, the said waterworks plant, including franchises, lands, wells, buildings, machinery, pipes, reservoirs and all other property of said company, free of all liens and encumbrances whatsoever, in the manner now provided by the laws of Florida for the exercise of the right of eminent domain.

Sec. 3. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 10, 1907.

AN ACT to Amend Section 2 of an Act of the Legislature of Florida Entitled "An Act Authorizing the City of Tallahassee to Issue Bonds for Making, Constructing and Putting in Operation a Waterworks Plant, or for Purchasing or Leasing or Acquiring by the Exercise of the Right of Eminent Domain Any Such Plant, and for Enlarging, Extending and Improving any Such Plant so Purchased or Leased or Acquired by the Exercise of the Right of Eminent Domain, and to Provide for the Payment of the Principal and Interest of Such Bonds, and the Application of the Proceeds of Any Such Bonds to the Purpose for Which the Same May be Issued, and the Construction, Enlargement, Extension, Improvement, Establishment and Management of any Such Plant," Approved April 19th, 1907.

Be it Enacted by the Legislature of the State of Florida:

Ament.

Section 1. That Section 2 of an act of the Legislature of Florida entitled, "An act authorizing the City of Tallahassee to issue bonds for making, constructing and putting in operation a waterworks plant, or for purchasing or leasing or acquiring by the exercise of the right of eminent domain any such plant, and for enlarging, extending and improving any such plant, so purchased or leased or acquired by the exercise of the right of eminent domain, and to provide for the payment of the principal and interest of such bonds, and the application of the proceeds of any such bonds to the purpose for which the same may be issued, and the construction, enlargement, extension, improvement, establishment and management of any such plant," approved April 19, 1907, be and the same is hereby amended so as to read as follows:

Sec. 2. The City of Tallahassee may, at any regular meeting of its Council, or at a special meeting called for such purpose, pass a resolution declaring that it is expedient for such city to make, construct and put in operation, or purchase or lease, or acquire by the exercise of the right of eminent domain, a waterworks plant for obtaining, distributing and furnishing water for the use of said

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city and its inhabitants and such other consumers as may require and pay for the same, either the purchasing, leasing or acquiring by the exercise of the right of eminent domain, any such waterworks plant, together with the extension, enlargement and improvement thereof to be construed as one purpose, and that it is also expedient to issue bonds of said city for the carrying out of any one of such purposes, which the said city may thereafter determine to carry out, and stating the amount of bonds which the said city shall have the power to issue for carrying out any one of said purposes; Provided, that a vote of a majority of such Council shall be necessary to pass such resolution; such resolution shall receive the approval of the Mayor, and in case of his disapproval, the same may be passed over his veto by a two-thirds vote of the Council. Such resolution shall provide for the submission of the question of ratification of the powers therein specified as expedient to be exercised by the said city to the registered voters of the said city residing therein at the time of the election, and who may own real estate therein, and shall have paid their taxes for the year then last due thereon, at a regular or special election to be called and held for such purpose, and a majority of the votes cast at such election shall be necessary to such ratification. A majority vote in favor of such ratification shall establish the right of the city to exercise the powers as to any one of the purposes so ratified, and to issue bonds for the same.

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed, and this act shall take effect immediately upon its passage and approval by the Governor.

Approved June 3, 1907.

LAWS OF FLORIDA.

CHAPTER 5857—(No. 262),

AN ACT to Extend the Corporate Limits of the City of Tampa.

Whereas, On or about the first day of August A. D. 1905, an election was held in the city of Tampa and certain territory hereinafter described and proposed to be included within the corporate limits of the said city of Tampa, and at the said election more than two-thirds of the qualified electors voting in said election voted in favor of the extension of the corporate limits of the said city of Tampa so as to make the limits thereof embrace the territory hereinafter described; now, therefore

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the corporate limits of the City of Tampa be, and the same are hereby, extended so as to include the following adjacent territory, not now included within the corporate limits of the City of Tampa, to-wit:

Boundary
line of ex-
tended cor-
porate limits.

"All that territory comprehended within the following limits, that is to say, bounded by a line beginning where the section lines dividing sections 7, 8, 18 and 17, of Township 29 south of Range 19 east, intersect, thence run south to the track of the Atlantic Coast Line Railway, thence in a southwesterly direction along the track of said railway to the section line dividing Sections 13 and 24 of Township 29 south of range 18 east, thence west along said section line to the eastern boundary line of the old town of Tampa, that is to say, the eastern boundary line of the 160 acres granted by Congress to Hillsborough County, Florida, thence in a southerly direction along said town and grant lines to the line of the late Fort Brooke military reservation, the same being the southwest corner of the town of Fort Brooke, thence due east to eastern boundary line of Government lot 13, Section 19, Township 29 south, Range 19 east, thence northerly along eastern boundary line of said lot 13, also along eastern boundary of Government lot 12, of said same section, township and range, thence northerly and northeasterly along the eastern and southern boundary lines of Government lot 16, of Section 18, Township 29 south, Range 19 east, and continue in a

northeasterly direction to a point where the southern boundary line of said Government lot 16 if extended in a straight line will intersect the center of Twelfth Street of a subdivision known as Lesley's subdivision of East Tampa of Government lots 10, 11 and 15 of Section 18, Township 29, south of range 19 east, thence north to the south boundary of the Atlantic Coast Line Railway right of way, thence northeasterly along said right of way to center of Fourth Avenue of said Lesley's subdivision of East Tampa, thence due east along the center of Fourth Avenue to eastern boundary line of northwest quarter of southwest quarter of Section 17, Township 29 south, Range 19 east, thence due north to center of Michigan Avenue, thence west along center of Michigan Avenue, being the dividing line of Sections 8 and 17, to point of beginning."

Sec. 2. All public property, rights and franchises theretofore belonging to the territory described in the preceding section as a part of the town of Fort Brooke, shall hereafter belong to the city of Tampa, which shall also assume and be liable for all of the debts and obligations of the said town of Fort Brooke; ^{Part of the town of Ft. Brooke.} Provided, however, that the ^{Proviso} real estate or other property within the territory above described shall not be liable for nor taxed to pay any existing bonded indebtedness of the city of Tampa.

Sec. 3. This act shall take effect from and after its passage and approval by the Governor.

Approved May 17, 1907.

LAWS OF FLORIDA.

CHAPTER 5858—(No. 263).

AN ACT to Legalize and Validate all Contracts for Grading, Paving, Curbing and Sewers Made and Entered Into by the City of Tampa Through the Board of Commissioners of Public Works of the Said City, and All Ordinances, Resolutions, Acts and Things Passed or Done, Either by the City Council or the Commissioners of Public Works of the City of Tampa in the Matter of Paving, Grading, Curbing, Sewering, Sidewalks or Other Internal Municipal Improvements, and All Assessments for Such Improvements, Heretofore Made or Which May Hereafter Be Made Under Any Contracts Heretofore Made and Entered Into by the City of Tampa as Well as for the Cost of Work Done by the City of Tampa Itself, Including Work Now in Process of Construction; and to Legalize and Make Valid all Certificates of Indebtedness for the Amount so Assessed Against the Abutting Property, Which Have Already Been Issued or Which May Be Issued by the City of Tampa in the Matter of Costs of any Grading, Paving, Sewering, Sidewalks, or any Other Internal Municipal Improvements Already Done or Which May Hereafter Be Done Under Any Existing Contracts Heretofore Entered Into by the City of Tampa, Including Work Now in Process of Construction.

Be it Enacted by the Legislature of the State of Florida:

Contracts,
etc., for in-
ternal mu-
nicipal im-
provement
validated.

Section 1. That all contracts made and entered into by the City of Tampa for grading, paving, curbing and sewers through the Board of Commissioners of Public Works of said city, and all ordinances, resolutions, acts and things passed or done, either by the City Council or Commissioners of Public Works of the city of Tampa, in the matter of grading, paving, curbing, sewerage, sidewalks or other internal municipal improvements and all assessments against the abutting property for such improvements heretofore made or which hereafter be made under any contract entered into by the city of Tampa, or for the

cost of any work done by the city of Tampa itself, including work now in process of construction, be and the same are hereby declared legal and valid; and that all certificates of indebtedness for the amount so assessed against the abutting property for any paving, grading, curbing, sewerage, sidewalks or other internal municipal improvements which have already been issued or which may be issued by the city of Tampa for improvements already done or which may hereafter be done under any existing contract entered into by the city of Tampa, including work now in process of construction, be, and the same are hereby declared legal and valid; and the said certificates of indebtedness shall not be held invalid on account of any irregularities, defects or imperfections in the proceedings taken by the city of Tampa in the issuing of the said certificates of indebtedness, and all defects or other irregularities in such proceedings are hereby cured; and the issuing of the said certificates of indebtedness so provided under the charter of the city of Tampa, its ordinances, resolutions and contracts, are hereby authorized and permitted.

Contracts,
etc., for in-
ternal mu-
nicipal im-
provement
valuated.

Sec. 2. All acts and parts of acts in conflict with this act be and the same are hereby repealed.

Sec. 3. This act shall take effect immediately upon its approval by the Governor, or upon its becoming a law without such approval.

May 22, 1907.

LAWS OF FLORIDA.

CHAPTER 5859—(No. 264).

AN ACT to Amend Sections 2, 3, 4, 5, 14, 20, 21, 23, 24, 36, 51, 52, 54, 55, 56, 60 and 62 of Chapter 5363 of the Laws of Florida, Approved June 8th A. D. 1903, Entitled "An Act to Amend Chapter 4883 of the Laws of Florida, Approved May 29, 1899, Being the City Charter of the City of Tampa, and Providing for its Government, Jurisdiction, Powers and Duties, and Relating to the Same," and to Confirm and Continue Grants, and to Make Valid and Binding Upon the City of Tampa Grants Made by the County Commissioners of Hillsborough County and the Town of Fort Brooke, as to Territory Described in this Act and as to Territory That May Hereafter be Acquired by the City of Tampa, and to Abolish the Municipal Government of the Town of Fort Brooke, and to Define the Corporate Limits of the City of Tampa.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 2 of Chapter 5363 of the Laws of Florida, approved June 8th, 1903, being the city charter of the City of Tampa, be amended so as to read as follows:

Sec. 2. That the municipal government of the town of Fort Brooke is hereby abolished, and that all inhabitants comprehended within the following limits, that is to say, bounded by a line beginning at a point on Hillsborough Bay where the section lines dividing Sections 29 and 30, and 29 and 32, Township 29 south of Range 19 east, would intersect if continued into said bay, running thence westwardly and including Depot Key, to the southwest corner of Section 36, Township 29, Range 18, thence north along the line dividing Sections 35 and 36, 25 and 26, 23 and 24, 13 and 14, Township 29, Range 18, to the northwest corner of Section 13 in said township and range, thence east along Michigan Avenue, on the section lines dividing Sections 12 and 13, Township 29, Range 18, and Sections 7 and 18, Township 29, Range 19, to the northeast corner of Section 18, Township 29, Range 19; thence south along the section line dividing Sections 17 and 18, Township 29.

Range 19, to the point where the South Florida Railway track crosses said section line, thence in a southwesterly direction along the track of said railroad to the section line dividing Sections 13 and 24; thence west along said section line to the eastern boundary line of the old town of Tampa, that is to say, the eastern boundary line of the 160 acres granted by Congress to Hillsborough County, Florida, thence in a southerly direction along said town and grant line to the line of the late Fort Brooke military reservation, the same being the southwest corner of the late town of Fort Brooke; thence due east to section line dividing Sections 19 and 20, Township 29, Range 19, and thence south on said section line and on an air line in the bay to the place of beginning; also commencing at a line beginning where the section lines dividing Sections 7, 8, 18 and 17 of Township 29 south of Range 19 east, intersect, thence run south to the track of the Atlantic Coast Line Railway, thence in a southwesterly direction along the track of said railway to the section line dividing Sections 13 and 24 of Township 29, south of Range 18 east, thence west along said section line to the eastern boundary line of the old town of Tampa, that is to say, the eastern boundary line of the 160 acres granted by Congress to Hillsborough County, Florida, thence in a southerly direction along said town and grant lines to the line of the late Fort Brooke military reservation, the same being the southwest corner of the late town of Fort Brooke, thence due east to eastern boundary line of Government lot 13, Section 19, Township 29 south, Range 19 east, thence northerly along eastern boundary line of said lot 13, also along eastern boundary of Government Lot 12, of said same section, township and range, thence northerly and northeasterly along the eastern boundary line of Government Lot 16, of Section 18, Township 29 south, Range 19 east, and continue in a northeasterly direction to a point of intersection with the center of Twelfth Street of a subdivision known as Lesley's Subdivision of East Tampa of Government Lots 10, 11 and 15 of Section 18, Township 29, south of Range 19 east, thence north to the south boundary of the Atlantic Coast Line Railway right of way, thence northeasterly along said right of way to center of Fourth Avenue of said Lesley's Subdivision of East Tampa, thence due east along the center of Fourth

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1907

**Inhabitants
of Ft. Brooke
a body under
the name of
City of Tam-
pa, and their
rights as
such.**

Avenue to eastern boundary line of northwest quarter of southwest quarter of Section 17, Township 29 south, Range 19 east, thence due north to center of Michigan Avenue, thence west along center of Michigan Avenue, being dividing line of Sections 8 and 17, to point of beginning, shall be and are hereby constituted a body corporate and politic under and by the name of the city of Tampa, and by that name can hold real estate, personal and mixed property, and dispose of the same for the benefit of the said city, and may purchase, lease, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of waterworks and lighting plants, for the establishment of poor houses, pest houses, houses of detention and correction, for public parks and promenades, and for any public purpose that the Mayor and City Council may deem necessary and proper, and may sell, lease or otherwise dispose of such property for the benefit of the city to the same extent as natural persons may; that said city shall have and use a common seal and change it at its pleasure.

**Property
rights belong
to Tampa.**

All public property, rights and franchises belonging to the territory described above and which has heretofore been a part of the town of Fort Brooke shall hereafter belong to the city of Tampa, which city shall also assume and be liable for all of the debts and obligations of the town of Fort Brooke; Provided, however, that the real estate or other property within the territory above described which has heretofore been a part of the town of Fort Brooke shall not be liable for nor taxed to pay any existing bonded indebtedness of the City of Tampa.

Provido.

Sec. 2. That Section 3 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

**Mayor and
Council.**

Sec. 3. That the government of said city shall be vested in a Mayor, who shall receive a salary of not less than one hundred dollars per month, and a common council, to be called the City Council of the City of Tampa, and the said Mayor and the said Councilmen shall be legal voters of said city, and elected by the qualified electors thereof; and one of said Councilmen shall be elected from each ward of said city, and the remaining two from the city at large, thus making the whole number of Councilmen as follows: Two from the city at large, and one from each

ward in said city. The first election under the provisions hereof to be the first Tuesday after the first Monday in June, 1908.

Sec. 3. That Section 4 of Chapter 5363 of the Laws of Florida be amended, so as to read as follows:

Sec. 4. That said city shall be divided into nine wards, ^{Wards.} to be known and designated as the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Wards respectively, which wards shall be laid out and delineated by the City Council within sixty days prior to the next general election; and until the designation by the Council of said wards, the present additional territory added to the City of Tampa shall be a part of the present First Ward of the City of Tampa, and the remaining wards of the city shall remain as they now are until such designation and formation of nine wards as above stated; and the said City Council shall have the power to alter or change the boundaries of the wards as they may deem best; Provided, That after the wards are laid out and delineated in said city as prescribed in this section they shall remain the wards of said city until changed by a two-thirds vote of the City Council.

Sec. 4. That Section 5 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Sec. 5. The government of said city shall be carried on ^{Officers.} by the following officers: A Mayor, the City Council, a Chief of Police, a Clerk, a Treasurer, a Municipal Judge, a Tax Assessor, a Tax Collector, an Auditor, a Chief of the Fire Department a City Attorney, and such other officers as may be created by ordinance of the city not inconsistent herewith, and all of said officers shall be qualified electors of said City of Tampa, and shall perform such duties and receive such compensation as may be prescribed by ordinances of the City of Tampa not inconsistent with the provisions of this charter. Members of the City Council shall not be directly or indirectly interested in any contract with said city, nor shall any member vote in said Council upon any question concerning a contract in which he may be so interested; ^{Provided.} also, that should any member of the City Council or member of the Board of Public Works vote upon any contract in which such member may be interested or should any individual

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officer of the city let any contract in which he may be interested, such contract shall be void, and such Councilman, member of the Board of Public Works or other such officer shall be liable to suspension from office; and until the next general election in 1908 the present Assessor and Collector of Taxes shall perform all of the duties and have all of the powers as are prescribed herein for the Tax Assessor and Tax Collector.

Sec. 5. That Section 14 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Tax Assessor.

Sec. 14. There shall be elected by the qualified electors of the City of Tampa at the city election in 1908, some suitable person to be called the Tax Assessor of the City of Tampa, whose duty shall be to assess the taxes of the City of Tampa, under the provisions of this charter and the ordinances of said city, not inconsistent with this charter. And there shall also be elected by the qualified electors of said city some suitable person to be called the Tax Collector of the City of Tampa, whose duty shall be to collect the taxes of the city of Tampa, under the provisions of this charter, and the ordinances of the city not inconsistent herewith.

Sec. 6. That Section 20 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Powers of Council.

Proviso.

Sec. 20. That the City Council shall have the power to make, establish and ordain, for the government of said city and the officers of said city, such ordinances in writing, and such by-laws not inconsistent with this charter, the Constitution and laws of the United States, as they may deem necessary; Provided, a majority of the City Council shall assent thereto. They shall have power to pass all such ordinances as may be necessary to define, prevent or abate nuisances, to restrain and punish gambling, or other disorderly conduct; to prevent the running at large of cattle, horses, dogs, hogs, sheep and goats, in the streets of the city or in the city limits; to provide for the establishment of waterworks, electric and other lighting plants, and all other plants necessary for the city; "and may make contracts relating to the same and whenever the same are so established may provide for the operation and maintenance of the same" to regulate the speed at which horses and bicycles may be ridden, and horses and vehicles may

be driven through the streets; to regulate the speed at which street or other railways shall run in the city limits; to license privileges, businesses, occupations and professions, carried on and engaged in within the city limits, and the amounts of such license taxes shall be fixed by city ordinances, which amounts of such taxes shall not be dependent upon the general State revenue law. **Proviso.** **Powers of Council.** 1907

Provided, however, That the privileges or occupational tax which shall be assessed against street railroad companies shall be one thousand dollars per annum; against electric light companies two hundred and fifty dollars per annum; against gas companies two hundred and fifty dollars per annum; against telephone companies two hundred and fifty dollars per annum; against express companies two hundred and fifty dollars per annum; against telegraph companies two hundred and fifty dollars per annum; against water companies five hundred dollars per annum; and against commercial railroads two hundred dollars per annum; **Proviso.** Provided, that all corporations which are now or may hereafter by the terms of its franchise pay to the city any proportion of its earnings as a franchise or license tax shall have such amount deducted from the license tax provided for in this section; Provided, however, That the city shall in the future be prohibited from assessing, levying, collecting or imposing upon any of said named companies or corporations, or their property, any further or other tax, burden, assessment, imposition or rental of any kind or character whatsoever, except said privilege taxes and the ad valorem tax on real and personal property, paving, sewerage, or sidewalk assessments. The City Council shall have the power to pass an ordinance or ordinances requiring an applicant for license to enable him to sell liquors, wines and beer, before any such license shall be issued to him, to first apply to the City Council setting up the location, by street and number, of the place at which he proposes to do business, and if the City Council shall by a two-thirds vote decline to permit the retail liquor business to be carried on at said location, then and in that event no license shall be issued for such location; **Proviso.** Provided, however, that the City Council shall not have the right to interfere with any licenses to be issued to persons to engage in the business of dealing in liquors, wines and beer at such places as liquors, wines and beer are now being sold at. To establish quarantine

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Powers of
Council.

and health regulations for the city of Tampa, not inconsistent with the rules and regulations of the State Board of Health; to organize and provide a fire department, and to regulate the same so as to protect the city from fire; to fix the number of drays and the rate of drayage; to provide for the inspection of gas, electric light and water meters; to pass and enforce ordinances to compel stationary steam engineers to pass an examination for licenses and to take out licenses and of fixing penalty for failure to do so; to compel the inspection of steam boilers except locomotives and marine boilers and to compel employers to employ only licensed stationary engineers and affixing a penalty for failure to do so, and to compel employers, their managers or servants to allow inspection of boilers and affixing a penalty for a failure to do so; to establish hospitals, and in conjunction with the Board of County Commissioners, to establish rules and regulations respecting the poor, indigent, infirm and insane, to provide for the support and fix the conditions upon which such persons coming into the city shall be allowed to remain; to provide for the punishment of persons who may at any time disturb the peace of the city, or violate any of its ordinances, or any of the rules and regulations of the State Board of Health, or the Board of Commissioners of Public Works; to provide for the inspection and regulate the sale of milk, meats and fish; to fix and regulate from time to time, the salaries of the officers and employees of the city except as herein otherwise provided, and to pass such ordinances as may be necessary to carry into effect the rules, regulations and powers of the Board of Commissioners of Public Works; to compel property owners or occupants to connect with the city sewers, and to do and regulate any other matter or thing that may tend to promote the peace, health, welfare, prosperity and morals of the city; and for carrying into effect the aforesaid powers. All vacancies occurring in said Council shall be filled by the votes of a majority of the remaining members of said City Council; said City Council shall judge of the qualification, election and return of its own members and prescribe rules for the determination of contested elections. The City Council shall have the right to impose penalties for breaches of its ordinances, by fine and imprisonment in the city jail, and to enforce the same by attachment summarily against the person and property of the delin-

quent, if the same can be found; Provided, That the penalty enforced shall in no case exceed imprisonment for ninety days or fine of two hundred dollars; they shall have power to remit fines and commute sentences imposed by the municipal judge; and in addition to the powers hereinabove enumerated, the City Council shall have all the powers and perform all the duties imposed upon them by the laws of Florida, now in force, or which may be hereafter enacted, providing for the government of cities and towns not inconsistent with the provisions of this act; and the Mayor, Chief of Police, Clerk, Treasurer, Tax Assessor and Tax Collector, and other officers shall have all the powers and perform all the duties conferred and imposed upon them by general laws. The said Council shall have the power to fix and establish a fire limit in said city and to prescribe rules and regulations for the erection and repair of buildings in said city; Provided, That the fire limit as now established in said city shall not be decreased except by unanimous consent of all persons owning property in any block to be taken out of said fire limits. The City Council shall also pass such ordinances as may be necessary to protect and preserve peace and order upon all property owned, leased, managed or controlled by said city outside of the city.

Sec. 7. That Section 21 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Sec. 21. There shall be elected by the qualified electors of the City of Tampa, four Commissioners, who shall be qualified electors and freeholders of the city, who shall be elected at the general election on the first Tuesday after the first Monday in June, A. D. 1910, and every four years thereafter, who, together with the Mayor, shall compose a Board of Commissioners who shall be called the Commissioners of Public Works, and the duties of said Commissioners shall be as follows: Such board shall have the power to equalize tax assessments by raising or lowering said assessments, to receive all moneys raised by taxation or otherwise, for internal or municipal improvements; to have exclusive power and control over the construction, repairing, grading and improving all streets, alleys, avenues and lanes, public wharf, landings, market houses, spaces, bridges, sewers, drainages, ditches, culverts, canals, streams, water courses, docklines, and the establishing of such dock lines, sidewalks, curbing, public buildings, and

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to fix and establish the grades of all streets and avenues, alleys and thoroughfares. Said Board shall have exclusive power, supervision and control over the construction and repairing of all public buildings and all public improvements of the city. The said Commissioners of Public Works shall keep a record of their proceedings; Provided the City Council shall have the right to name and designate all streets, alleys and avenues which are to be paved, and shall direct, by resolution or ordinance, the Board of Public Works to pave the same, and prescribe the order in which the work shall be done and material which shall be used.

Sec. 8. That Section 23 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Qualifica-
tions of
Board of
Commission-
ers.

Oath.

Bond.

Sec. 23. The members of the said board of Commissioners of Public Works shall be freeholders and registered voters of the said city of Tampa, and shall be men of known integrity of character in the city and shall, before assuming the duties of said office, take and subscribe an oath to well and faithfully perform the duties of the office to which they have been elected, and said Commissioners, including the Mayor, shall enter into bond in the sum of twenty-five thousand dollars each to the city of Tampa, with at least two good and sufficient sureties, to be approved by the City Council, which sureties shall justify to the amount for which each shall be bound, such bond to be conditioned for the faithful performance of their duties.

Sec. 9. That Section 24 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Election.

Vacancy.

Officers, etc.

Sec. 24. The first election of the Commissioners of Public Works shall be held on the first Tuesday after the first Monday in June, A. D. 1910. In case of a vacancy in any board the Mayor shall call a special election to fill such vacancy, said election to be held according to law. The Mayor of the city shall be the President of the Board. They shall be empowered to appoint their own clerk, and shall employ such employees, officials and assistants as may be found necessary to carry into effect the provisions of this charter, and shall fix their compensation. They shall also appoint an engineer, who shall from and after the passage of this act be known as the city engineer,

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whose appointment shall be certified by the President of the board to the City Council, and shall be confirmed by said Council, and the board shall have the power to fix the compensation of the said city engineer. The duties of the city engineer shall be prescribed by ordinance. Provided, that nothing herein shall be construed to affect or limit the term of office of the present engineer. The City Attorney of the City of Tampa shall, after the first Tuesday after the first Monday in June 1910, be the legal adviser of said board, and until said time the Board of Commissioners of Public Works shall be empowered to employ an attorney for said board, who shall be the legal adviser of said board, and fix his compensation. A majority of the board shall be authorized to transact business; they shall provide the time of their meeting, make rules for their own government, and adopt their own seal. All of their contracts shall be made in the name of the city, shall be signed by the President of the board, and attested by the clerk. No contracts shall be made by the board with any member thereof, and no member shall be interested in any contract in any way or share in the profits, and any improvements which shall involve an expenditure of more than three hundred dollars, shall only be let and made after public advertisement thereof, and shall be let to the lowest responsible bidder therefor, upon such terms and secured by such bond as the board may require.

Duties of Engineer.

Attorney.

Meetings, rules, etc.

Contracts.

Sec. 10. That Section 36 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Sec. 36. In no event shall the amount or validity of the liens or certificates of indebtedness as provided for by this act be questioned in any direct or collateral proceedings instituted more than six months after the issuance of such certificates of indebtedness by the City Council of the City of Tampa. Upon any suit brought to enforce such lien or collection of the amount due upon any such certificate or indebtedness, a copy of the entry of such lien in the Street Improvement Lien Book, duly certified by the clerk of the Board of Public Works under the corporate seal of the city, or the original certificate of indebtedness issued on account of such lien, shall be and constitute prima facie evidence of the amount and existence of the lien upon the property described; and in all cases mentioned in this act where the city of Tampa has acquired or

Indebtedness

Liens, etc.

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Liens.

may hereafter acquire liens for improvements, such liens, or any of them, may be enforced in the following manner by the said city, or in the name of the said city by the holder thereof; first, by a bill in equity; second, by a suit at law. The bill in equity or the declaration at law shall set forth briefly and succinctly the issuance of the certificate of indebtedness issued on account of such lien, the amount thereof, and the description of the property upon which such lien has been acquired and against which said certificate of indebtedness was issued, and shall contain a prayer that the owner shall be compelled to pay the amount of said lien or in default thereof that the said property shall be sold to satisfy the same; but the judgment or decree obtained in said suit shall not be enforced against or be a lien upon any other property than that against which the assessment was made, and in the decree or judgment, as the case may be, for the enforcement and collection of the amount for which said lien is given, decree or judgment shall also be rendered for a reasonable attorney's fee, not to exceed twenty-five dollars for the institution of the suit and the sum of ten per cent. on the amount of recovery, together with the costs of the proceeding, which attorney's fee and costs shall also become a lien upon said land, and shall be collected at the time and in the manner provided for the collection of the amount for which the lien was originally given, but in no event shall the city be liable for the payment of the attorney's fee herein provided for.

Sec. 11. That Section 51 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Duty of Assessor of taxes.

Sec. 51. It shall be the duty of the Assessor of Taxes immediately after the assessment of the property of the city has been corrected and the amount to be raised for the various purposes hereinbefore mentioned has been determined, to calculate and carry out the sum total of the several amounts of said taxes in a column provided for that purpose in the assessment roll, setting down opposite the several sums set down as the valuation of the real and personal property the respective sums assessed for taxes thereon, in dollars and cents, rejecting all fractional parts of a cent. He shall also add up all columns of the assessments and taxes contained in the assessment roll and make thereon such recapitulatory tables as may be re-

quired by the City Council, and he shall then attach to said assessment roll the following affidavit to-wit:

Sec. 12. That Section 52 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Sec. 52. "State of Florida, County of Hillsborough, City of Tampa.

"Personally appeared before me _____ Affidavit of Assessor.
Assessor of Taxes for the City of Tampa, who being duly sworn, says the foregoing assessment roll contains a true statement and description of all real and personal property in the City of Tampa subject to taxation or liable to be assessed therein, and that the valuations so far as were made by him were just and correct. Sworn to and subscribed to before me this _____ day of _____, 19—;" and shall have the same completed by the first Monday in October of each year, or as soon thereafter as practicable, at which time the said City Council shall examine the said assessment roll, and if found to be correct shall so certify thereon, which certificate shall be signed by at least a majority of the members of the City Council; and the City Council shall then direct the Collector of Taxes to proceed on the first Monday in November of each year to collect said taxes, or as soon thereafter as said assessment roll shall be completed.

Sec. 13. That Section 54 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Sec. 54. All taxes shall be due and payable on the first day of October in each year, or as soon thereafter as the assessment roll is approved by the City Council and their warrant attached thereto, and handed to the Collector of Taxes for collection; and the Collector of Taxes shall give notice that the taxes are then due, and all taxes remaining due and unpaid on the first Monday of January thereafter shall bear interest at the rate of twelve per cent. per annum and shall be added to the tax collected. When taxes due, etc.

Sec. 14. That Section 55 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Sec. 55. The Collector of Taxes shall not make sales of real estate for unpaid taxes and assessments; he shall have the power to issue distress warrants and alias and pluries distress warrants in the name of the State and city to Distress warrants, etc.

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Liens.

Costs of suits.

enforce the collection of taxes on property and privileges. Such warrants may be executed by the chief of police or any constable or sheriff. Taxes and assessments on real estate shall be and remain a lien on the property assessed superior to all other liens or claims except State and county taxes, until the same shall be paid. Such liens may be enforced as other liens. All unpaid taxes and assessments may be collected by suits in other courts at law or in equity. The costs of all suits and proceedings for the collection of unpaid taxes and assessments, including a reasonable attorney's or solicitor's fee, not to exceed twenty-five (\$25.00) dollars, which shall be paid to the attorney or solicitor representing the city as his compensation in such suit, shall be recovered and collected by such suit for instituting suit and ten per cent. of the amount recovered.

Sec. 15. That Section 56 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Taxes unpaid and enforcement of liens for the collection of same.

Sec. 56. If the taxes on any real estate shall not be paid before the first Monday in January next after the tax roll shall have come into the hands of the Collector of Taxes he may at any time thereafter make from the assessment roll a separate copy of any assessment thereon remaining unpaid, showing the assessment of any lot, parcel or tract of land as the same then appears upon the city tax assessment roll, which he shall certify to be a true and correct copy from the city tax assessment roll of the assessment of the lot, parcel or tract of land therein described and deliver the same to the city attorney or solicitor for collection, which certified copies shall be prima facie evidence of the contents of the assessment roll and of levies made thereon in all suits to enforce the payment of or the lien for such taxes as may appear from said copies; Provided, that all uncollected taxes on real estate remaining in the hands of the Collector of Taxes shall be so certified to the city attorney and the said certification noted upon the tax roll by the Collector of Taxes not later than the 10th day of March each year. The city attorney or solicitor shall search or cause to be searched the public records of Hillsborough County, and of the United States Circuit Court at Tampa, to ascertain the names of all persons owning, having interest in or living upon said lands, and in the suits brought for the enforcement of said liens for taxes, he shall make all persons appearing upon said record to

be owners or interested in said real estate or liens thereon parties defendant, and whenever service is sought to be had in such suit upon any defendant by publication, the notice shall contain a description of the land upon which the tax lien is claimed. The names of any person other than the owner of said real estate may, at the discretion of the city attorney or solicitor, be omitted from the list of defendants, but no person having an interest in said property or a lien thereon, apparent upon said records and not brought into court as a defendant, shall be, until so brought into court, deprived of his interest therein. The interest of all persons not apparent upon said public record shall be foreclosed by such suits without their being named or served as defendants; upon the collection of all the moneys due the city after the same shall have been placed in the hands of the city attorney or solicitor, the payment shall be made, first, of all court costs, including clerk's, sheriff's, master's, and advertising fees; second, the amount due the city for taxes and interest; and last, the attorney's or solicitor's fees for services rendered in connection with the collection of such taxes; Provided, in no case shall the city be liable for such attorney's fees.

Sec. 16. That Section 60 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Sec. 60. Nothing in this act shall invalidate or make void any act done by the City Council, or any of the officers of said city, or the Commissioners of Public Works, or any contract entered into by them, or any of them, or any suit pending, begun prior to the passage of this act, but the same shall remain in full force and effect, and all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed; but repeal shall not have the effect to nullify or make void any contracts heretofore entered into by the City Council of the City of Tampa or the Town Council of the town of Tampa or by the Commissioners of Public Works of the City of Tampa; and all ordinances of the City of Tampa and town of Fort Brooke now in existence and not inconsistent with the provisions of this act shall remain in full force and effect until altered, modified or repealed according to the provisions hereof; and all grants, franchises, permits made, passed or given by the town of Fort Brooke, town of Tampa, City of Tampa or County of Hillsborough,

Former ordinances, rights, acts, contracts, etc.

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whether such grants, permits or franchises were made by resolution, ordinance or otherwise, are hereby validated and confirmed and shall be binding upon the City of Tampa, and effective and in full force and operation throughout the entire territory of the City of Tampa, and shall likewise be operative and effective throughout any additional territory that may hereafter be added or annexed to Tampa by law.

Sec. 17. That Section 62 of Chapter 5363 of the Laws of Florida be amended so as to read as follows:

Authority to
acquire elec-
tric light,
gas, or wa-
terworks
plant.

Sec. 62. That the City of Tampa be and it is hereby fully authorized and empowered, as fully and completely as a natural or artificial person might or could be, to establish, construct, build, maintain and operate a municipal plant or plants for the supply and distribution of water within its limits for municipal use, and for the use of such persons as may require and pay for the same, and a municipal plant or plants for the making and distribution of gas and electricity for furnishing light, heat and power for municipal use, and for the use of such persons as may require and pay for the same, without first having to purchase or acquire the waterworks, gas and electric light plant now operating or hereafter erected in the City of Tampa, or either of them; Provided, that a majority of the registered voters of said city shall at a special election called by the City Council for that purpose vote in favor of the construction of such municipal plant or plants, and the City Council of the City of Tampa shall have full authority to pass all such ordinances and resolutions as may be necessary for the calling, conducting and ascertaining the result of such election, and if a majority of the registered voters shall vote in favor of the construction of such plant or plants, then said City Council shall have full authority and power to pass such ordinances and resolutions as are necessary and expedient to carry into effect all the provisions of this section; Provided, further, that said City Council shall also have the power to purchase and acquire, upon such terms as may be agreed upon by the parties in interest, any such plant or plants now in existence in said city of Tampa, and should said city be authorized by a vote of a majority of the registered voters of said city to undertake to construct or build any such plant or plants, or should said city purchase or agree to

Proviso.

Proviso.

purchase any such plant now in existence in said city, then in either event the said City Council shall have the power to call and hold a bonding election as provided for in Section 41 of this act, for the calling and conducting of an election for bonds for municipal improvements, and to issue, sell, and dispose of all bonds authorized by said election to be issued in the same manner and under the same regulations as provided herein for the issue of municipal bonds for public improvements, and all provisions of this act relating to the issue, sale and disposition of other municipal bonds shall, as far as practicable, apply to the issue, sale and disposition and redemption of the bonds to be issued for the purchase or construction of such municipal waterworks, gas, and electric light plants or either of them.

Sec. 18. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 19. This act shall take effect from and after its passage and approval by the Governor.

Approved May 27, 1907.

CHAPTER 5860—(No. 265).

AN ACT to Amend Section 2 of Chapter 5546, Laws of Florida, Same Being "An Act Amending the City Charter and Affecting the Government, Duties, Jurisdiction and Enlarging the Powers of the Board of Commissioners of Public Works of the City of Tampa, to Provide for the Management, Care and Control of All Public Parks and Buildings Situated Thereon, in the City of Tampa, and to Permit the City of Tampa to Levy a Tax for the Purpose of Maintaining the Public Parks of the City of Tampa."

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Section 2 of Chapter 5546, Laws of Florida, same being "an act amending the city charter and affecting the government, duties, jurisdiction and

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enlarging the powers of the Board of Commissioners of Public Works of the City of Tampa, to provide for the management, care and control of all public parks and buildings situated thereon, in the City of Tampa, and to permit the City of Tampa to levy a tax for the purpose of maintaining the public parks of the City of Tampa," be, and the same is, hereby amended so as to read as follows:

Property
rights, con-
tracts, sales,
leases, etc.

Sec. 2. The Board of Commissioners of Public Works shall have full right and authority to sell, contract for the sale of, or lease any or all of the property acquired by the City of Tampa for park purposes, or which shall come under the said board's management or control under the provisions of this act, for the benefit of the City of Tampa; Provided, however, That before any sale, contract of sale, or lease for a longer term than six years shall become enforceable or binding upon the City of Tampa, such sale, contract of sale or lease for a longer term than 6 years shall first be submitted to the qualified electors of the City of Tampa, at an election duly called and conducted in accordance with the laws now in force, or that may be hereafter be enacted, and regularly held for that purpose, for approval and ratification, and if such sale, contract of sale, or lease for a longer term than six years be approved and ratified by a majority of the registered voters of the City of Tampa, it shall be the duty of the Mayor, City Auditor and City Clerk of the City of Tampa to sign and execute under the seal of the city, all necessary instruments of writing to carry into full force and effect such sale, contract of sale or lease, so approved and ratified as aforesaid.

Sec. 2. All laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Sec. 3. This act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 1, 1907.

LAWS OF FLORIDA.

CHAPTER 5861—(No. 266).

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AN ACT to Legalize and Validate Ordinance Number 106 of the Town of Tarpon Springs, Entitled "An Ordinance to Provide for the Issuance of Bonds of the Town of Tarpon Springs, and for the Expenditure and Disbursement of the Funds Received from the Sale of the Said Bonds," Passed by the Town Council of the Town of Tarpon Springs on the 5th Day of February, 1907, and Approved on the 6th Day of February, 1907, by the Mayor of the Town of Tarpon Springs, and to Legalize and Validate the Special Election Held on the 1st Day of April, 1907, by the Qualified Electors of the Town of Tarpon Springs, Who Are Freeholders of Real Estate Situate Within the Corporate Limits of the Said Town, Under Section 3 of the Charter of the Town of Tarpon Springs and Under Section 8 of Said Ordinance Number 106, and to Legalize and Make Valid Any and All Bonds Issued or Which May Hereafter Be Issued by the Town of Tarpon Springs Under Said Ordinance Number 106 and Proceedings and Resolutions of the Town Council of the Said Town Under Said Ordinance.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That Ordinance Number 106 of the town of Tarpon Springs entitled "an ordinance to provide for the issuance of bonds of the town of Tarpon Springs, and for the expenditure and disbursement of the funds received from the sale of the said bonds," passed by the Town Council of the town of Tarpon Springs on the 5th day of February, A. D. 1907, and approved by the Mayor of the town of Tarpon Springs on the 6th day of February, A. D. 1907, be, and the same is, hereby declared legal and valid; and that the special election held in the town of Tarpon Springs by the qualified electors of the said town who are freeholders of real estate situate within the corporate limits of the said town, on the 1st

Ordinance No. 106 declared legal and valid.

Election.

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Bonds.

day of April, A. D. 1907, as provided for in Section 8 of said ordinance Number 106 of the town of Tarpon Springs, be, and the same is, hereby declared legal and valid; that negotiable bonds of the town of Tarpon Springs, which shall be the direct and absolute obligations of the said town, may be issued to the amount of twenty-five thousand dollars (\$25,000.00) as provided in said ordinance, in such form and containing such recitals and provisions as the Town Council may, by resolution, determine; and that any and all such bonds of the town of Tarpon Springs issued, or which may hereafter be issued by the town of Tarpon Springs under said ordinance Number 106, and in pursuance of the ratification of the said ordinance by the special election held on the 1st day of April, A. D. 1907, be, and the same are, hereby declared legal and valid, and said bonds shall not be held invalid on account of any irregularities, defects or imperfections whatsoever in the proceedings taken or to be taken by the town of Tarpon Springs in the issuing of said bonds, and all defects or other irregularities in such proceedings are hereby cured, and the issuing and sale of the said bonds so provided for by ordinance Number 106 aforesaid, is hereby authorized and permitted.

Council authorized to levy tax.

Sec. 2. That the Town Council of the said town is hereby authorized and it shall be its duty to levy and assess the special tax upon all taxable real and personal property situate in said town as provided in Section 7 of said ordinance, to provide for the payment of the interest and principal of the said bonds.

Sec. 3. That all acts and parts of acts in conflict with this act be, and the same are, hereby repealed, and no proceedings for the issuance and sale of the said bonds shall be required other than as provided in said ordinance Number 106 and this act.

Sec. 4. This act shall take effect immediately upon its approval by the Governor or its becoming a law without such approval.

Approved May 22, 1907.

AN ACT to Incorporate and Establish a Municipal Government for the Town of Tyler, in Alachua County, Florida, Provide for Its Government and Prescribe Its Jurisdiction and Powers.

Be It Enacted by the Legislature of the State of Florida:

Section 1. That a municipal corporation is hereby created in the County of Alachua, State of Florida, under the corporate name of the town of Tyler, and the corporate bounds of said town shall comprise the following described territory, to-wit:

Beginning at the Northeast corner of Section One in Township Ten South, Range Fifteen East, and run South eleven hundred and fifty feet, thence West three thousand and sixty-one feet; thence North three thousand two hundred and thirty-six feet; thence East sixteen hundred feet; thence South fourteen hundred and seventy-four feet to the right of way of the Atlantic Coast Line Railway; thence Eastwardly along the North side of the said right of way to a point due North of the place of beginning; thence South along the section line between Sections thirty-one and thirty-six to the place of beginning. Territorial boundaries.

Sec. 2. That said municipality is hereby granted all the powers given to such municipal corporations under the general laws of the State of Florida.

Sec. 3. The corporate authority of said town shall be vested in a Mayor, a Clerk, who shall also be Assessor of Taxes; a Treasurer, who shall also be Collector of Taxes; and a Town Council, consisting of five members; a Marshal and such other officers as may, from time to time, be provided for, either by law, or by ordinance of said town. All of the above officers, except the Mayor and members of the Council, may appoint deputies, who shall have all the powers of the principal when acting in their official capacity. Corporate authority.

Sec. 4. The first election of municipal officers under this act shall be held on the second Tuesday in July, A. D. 1907, and the annual election shall be held on the second Election.

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Election.

Tuesday in July of each and every year. At the first election aforesaid, R. S. Hudson and J. D. Turner shall act as Election Commissioners, and shall conduct said election and appoint the inspectors, and S. D. Rice shall act as clerk. The said clerk shall, for ten days prior to said election, open a registration book in some convenient place in said town and keep the same open for ten hours on each day for the registration of electors. Said clerk shall have the power to administer oaths to all persons applying to register. Any person who is a citizen of the State of Florida and has resided within the limits of said town for six months prior to said election shall be eligible to vote in said election. At all other elections only those persons who are qualified electors under the laws of the State of Florida shall be entitled to vote at town elections. The Town Council shall provide by ordinance the mode of conducting elections and the registration of voters, and for certifying the returns of all elections. The term of all officials shall be for one year from the date of their election, or until their successors shall be elected and qualified; but the terms of office of Town Councilmen shall be for two years from the date of their election. The Town Council shall provide for the salary or compensation of all officers; Provided, That members of the Town Council shall not receive salary or compensation of any kind.

Terms of officials.**Powers and duties of officers.**

Sec. 5. The powers and duties of all officers of said town shall be the same as those prescribed by the Constitution and laws of the State of Florida for officers of municipalities.

Powers of Council.

Sec. 6. The Town Council shall have the power to make, establish and execute for the government of said town such ordinances in writing, not inconsistent with the Constitution and Laws of the State of Florida, as they may deem necessary; Provided, That a majority of the Council assent thereto. They shall have power to pass all such ordinances as may be necessary for the preservation of the public peace and morals, for the suppression of riots and disorderly assemblies, and for the order and government of the town; to abate nuisances; to restrain and punish gambling; to restrain and punish disorderly conduct; to provide for the establishment of waterworks, electric or other lighting plants, and all other plants neces-

sary for the town to have or use or supply as a public utility; to regulate the use of the streets by vehicles of all kinds; to license privileges, businesses, occupations and professions carried on or engaged in within the town limits, and the amounts of any license tax imposed shall not be dependent upon the general revenue laws of the State, but may be fixed by the ordinances of the town; to enforce the rules and regulations of the State Board of Health by ordinance; to have power to establish and pave streets and sidewalks, and to require property owners who own property abutting on public thoroughfares to lay sidewalks, and to pay their just proportion of the cost of street paving; to set out or plant shade trees in front of such property, and upon failure of such property owners, after due notice, to make such improvements the Town Council may cause said improvements to be made and the cost of the same shall be a lien upon said property to be enforced as other taxes; to establish markets and to provide for the sale of fruits, vegetables, meats and poultry, fish and other perishable products, and to regulate the sale, and to license the peddling thereof; to license and regulate the use of the streets and thoroughfares of the town by persons, firms or corporations desiring to use the same for gas, water, electric or power purposes, and all other purposes of a public nature; to buy, own, hold and sell real estate within or without the limits of the town for municipal purposes; to buy, own, hold, lease, operate and sell, within or without the limits of the town, plants for the manufacture of electricity for lighting or power purposes, and waterworks, or to contract with any person, firm or corporation for supplying water, light and power for the use of the municipality, and the citizens thereof, or the public residing near the limits thereof.

Sec. 7. No penalty for violation of any of the penal ordinances of the town shall exceed a fine of three hundred dollars, nor imprisonment to exceed sixty days.

Sec. 8. The Council shall have authority to cause to be prepared a code or digest of city ordinances, which may be adopted by the Council as a single ordinance.

Sec. 9. It shall be lawful for the Marshal or any of his deputies, or any policeman of the town to make lawful

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arrests and execute warrants issued by the proper authority of the town on Sunday.

Tax Assessor

Sec. 10. It shall be the duty of the Tax Assessor of the town between the first day of January and the first day of August of each year to ascertain by diligent inquiry all the taxable property, both real and personal, in said town and the names of the owners thereof, and to make an assessment thereof for the purpose of taxation; all tangible property shall be assessed at its true cash value, and the valuations shall be independent of and not controlled by the valuations fixed by the county and State authorities. In case the owners refuse or fail to return their property for taxation the Assessor shall assess said property and fix the valuation thereof. Further details as to assessment and return of property may be fixed by ordinance. The said assessment roll shall be completed by the first day of August of each year and the Town Council and Tax Assessor shall, before the first day of September of each year, meet at the town hall, after ten days' public notice, and proceed to equalize said assessment, and shall remain in session from day to day, until said equalization is completed. If any valuation as returned by the owner shall be raised by the Assessor or by the equalizers, five days' notice shall be given said owner, who shall be heard by the Council before said valuations shall be determined upon.

Tax levy.

Section 11. The town shall have the right to raise by taxation such amount as may be necessary for carrying on the government of said town, not to exceed a tax rate of ten mills on the dollar on the actual cash value of the property in said town, both real and personal, and in addition thereto, shall have the right to levy such additional taxes as may be necessary to pay interest on outstanding bonds or such bonds as the town may from time to time issue in accordance with law, and also to provide a sinking fund for the redemption of said bonds, and shall have the right to levy such additional taxes as may be necessary to pay for lighting of said town or maintenance of town waterworks or lighting plant. It shall be the duty of the Town Council, upon completing of the equalization of the assessments, to determine the amount of money needed for the government of said city and the

payment of interest charges, and shall proceed to make a levy of taxes, and state the rates of taxation, which said levy and rate shall be made by special ordinance.

Sec. 12. It shall be the duty of the Assessor of Taxes, Duties of Assessor. immediately after the tax levy ordinance shall be certified to him, to calculate and carry out the several amounts of taxes on the assessment roll, and to place opposite the valuations of real and personal property the amount of taxes assessed against said property, which amount shall be expressed in dollars and cents, rejecting all fractional parts of cents. Upon completion of said assessment roll he shall attach thereto his affidavit that said assessment roll contains a true statement of all real and personal property in said town subject to taxes and the valuations so far as made by him were just, true and correct. The said assessment roll when so completed shall be delivered to the Town Council, who shall attach a certificate signed by the President of the Town Council, if the said assessment roll shall be found in proper shape, which said certificate shall state the foregoing assessment roll of the town of Tyler has been examined and found correct, and the Tax Collector of said town is hereby directed and Tax Collector. authorized to collect the amount of taxes assessed therein from the owners of the real and personal property herein mentioned, and to deposit the same to the credit of the town of Tyler, which said certificate shall be sufficient warrant for the Tax Collector to collect said taxes.

Sec. 13. All taxes shall be due and payable on the first day of November of each year, or as soon thereafter as When taxes are due and interest on unpaid taxes said assessment roll is completed by the Town Council and approved by said Council, and all taxes that remain due and unpaid by January first thereafter shall bear interest at the rate of ten per cent per annum, and shall be added to the tax collected or enforced.

Sec. 14. Taxes and assessments on real estate shall be Liens. and remain a lien on the property assessed superior to all other liens except State and county taxes. Such liens may be enforced as other liens. All unpaid taxes and assessments may be collected by suits in courts of law and equity. The cost of all suits and proceedings for the collection of unpaid taxes and assessments, including a reasonable attorney's fee or solicitor's fee, which shall

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be paid to the attorney or solicitor representing the town, shall be recovered and collected by such suits. Said attorney's fee shall not exceed five dollars for instituting suit and ten per cent of the amount collected.

**Distress
warrants,
etc.**

Sec. 15. All taxes on personal property not paid by the first day of January, after the delivery of the assessment and tax roll to the Collector, shall be levied on by the Tax Collector, who may issue a distress warrant for said taxes, and after advertisement for twenty-five days, may be sold for cash at public outcry in front of the town hall or municipal building during the legal hours of sale on any legal sales day.

**Treatment of
unpaid as-
sessments.**

Sec. 16. If taxes on any real estate shall not be paid by the first day of January after delivery of the tax roll to the Collector it shall be the duty of the Tax Collector and Town Clerk to make a copy of the assessment of such real estate as assessed and as appears unpaid against any lot, tract, or parcel of real estate, which said copy shall be certified to by the Tax Collector and Clerk and have attached thereto the seal of the town, and which said certified copy shall contain a description of the real estate, the valuation of the same, and the amount of taxes assessed against said real estate, and said certificate shall be prima facie evidence of the contents of the assessment roll and of the amount of taxes due thereon and of the regularity of all proceedings to the assessment, valuation and levy of taxes, in all suits to enforce the payment of or lien for such taxes as may appear upon said assessment roll and all penalties. Said certified copy shall be delivered to the Town Attorney, who shall proceed to collect said taxes, costs and charges, and if payment be not made in sixty days, he shall file a bill in equity to subject said property to said tax lien, interest, cost and charges. All parties having an interest in said property shall be made parties to said suit; Provided, Said interest appears on record in the public records of Alachua County, Florida.

Bonds.

Sec. 17. Whenever it shall be deemed necessary or advisable to issue bonds of the town of Tyler for raising money to be used in construction and maintaining water-works, gas works, electric lighting plant, a system of sewerage or otherwise promoting the public health of the

town, opening or widening the streets of the town, providing a fire department or erecting public buildings, or for any purpose deemed for the public good; or to acquire, by any means, any of the above or similar public utilities, the Mayor and Town Council in their corporate capacity are hereby authorized to issue and dispose of the bonds of the town corporation to an amount not to exceed thirty-five per cent of the taxable property, real, personal and mixed in said town as shown by the tax assessment of the town at the time of the issue of said bonds, said bonds to be signed by the Mayor, countersigned by the President of the Town Council, and attested by the Clerk and town seal; Provided, That the total amount of bonds so issued shall not at any time exceed fifty thousand dollars and shall be payable not more than thirty years from date, and shall not bear interest at a rate exceeding six per cent. The issue, sale and disposal of said bonds shall be provided for by ordinance, and said ordinance shall be submitted to the approval or rejection of the qualified electors of said town who own real estate therein, and who have paid taxes due thereon at the time of said election.

Bond issue.

Sec. 18. The Town Council shall provide by ordinance for proper bonds to be given by the Tax Collector and Treasurer, and such other officers and employees of the town as may be deemed necessary, and shall designate the place of deposit of all public money of the town, and provide for the manner in which the same shall be disbursed and paid.

Bonds to be given by officers.

Sec. 19. No suit shall be instituted against the town of Tyler unless a written statement giving the particulars of the alleged cause of action and containing a notice of intention to sue, shall be served on the Mayor, at least thirty days before said suit is instituted. It shall be the duty of the Mayor to refer said statement or notice to the Council at its next regular or special meeting. Suits in all causes of action of whatever kind or nature shall be instituted within six months after the cause of action accrues.

Mayor to be served with statement 30 days prior to the institution of any suit.

Sec. 20. This act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without his approval.

Approved May 27, 1907.

LAWS OF FLORIDA.

CHAPTER 5863—(No. 268).

AN ACT to Incorporate the Town of Vernon, in Washington County, Florida, and Provide for the Election of Its Municipal Officers.

Be It Enacted by the Legislature of the State of Florida:

Incorporation.

Section 1. That the Town of Vernon, in Washington County, Florida, is hereby incorporated and declared to be a municipal corporation under the name of the Town of Vernon, with territorial corporate limits as follows:

All of Section Thirty-five in Township Three, North of Range Fifteen West, lying South of Holmes River, in Washington County, Florida.

Officers.

Sec. 2. That the officers of said municipality shall consist of a Mayor, a Clerk who may also be Treasurer, a Tax Assessor who may also be Tax Collector and five Councilmen, all of whom shall be resident male inhabitants of said town over the age of twenty-one years and whose terms of office shall be two years and until their successors are duly elected and qualified. That all of said officers except the Mayor and Councilmen shall give such bond as the Town Council may require, conditioned for the faithful performance of their duties.

Marshal.

Sec. 3. That there shall also be a Town Marshal, who shall be employed by the Town Council during the pleasure of the Council, who shall be a male person over the age of twenty-one and under the age of fifty-five years, whose duties, compensation and bond shall be fixed by the Council; Provided, that the Council may require the Marshal to be Tax Collector of the town, in which case no election shall be held for Tax Collector.

Proviso.

Power of Council to pass ordinances.

Sec. 4. The Council, with the approval of the Mayor, shall have the right to ordain such ordinances for the good government, peace, order and health of the town as they may deem proper; Provided, such ordinances shall not conflict with the Constitutions of the United States and of Florida and the laws of this State.

Sec. 5. That within any time after this act becomes a law the male inhabitants of said town over the age of twenty-one years, or a majority of them, shall assemble in mass meeting and organize by electing a chairman and secretary, and shall call an election for the purpose of electing the municipal officers hereby provided for, which election shall be held at a date not less than twenty days from said meeting, and also elect three inspectors to act as managers of said election. The chairman and secretary of the meeting shall immediately after the calling of such election give notice of the same by posting written notices thereof in at least four different places in said corporate limits. Said election shall be held and conducted as near as practicable under the general laws of this State governing elections.

Election.

Sec. 6. That after the first election hereby provided for, all subsequent elections shall be held biennially on the first Tuesday in the month on which said first election is held, and shall be conducted in the manner provided by law for holding such elections.

Biennial elections.

Sec. 7. That the persons receiving a majority of the votes legally cast for the respective municipal officers shall be such officers until the next biennial election and until their successors are duly elected and qualified, and they shall immediately after their election take the oath of office and qualify as now provided by general law for the government of municipal corporations, and enter upon the discharge of the duties of their respective offices.

Qualifications, oath, etc. of officers.

Sec. 8. That in addition to the powers hereby conferred, said municipality shall have all the powers, rights and privileges, and perform all the duties now conferred and enjoyed, or that may hereafter be conferred upon cities and towns by the laws of the State.

Additional powers.

Sec. 9. That this act shall take effect upon approval by the Governor.

Approved May 21, 1907.

LAWS OF FLORIDA.

CHAPTER 5864—(No. 269).

AN ACT to Abolish the Present Municipal Government of the Town of Wauchula, DeSoto County, Florida, and Organize a City Government for the Same, and to Provide its Jurisdiction and Powers.

Be it Enacted by the Legislature of the State of Florida:

ARTICLE I.

Abolish-
ment.

Section 1. That the municipal corporation of the town of Wauchula, in the County of DeSoto, is hereby abolished, and all acts and portions of acts inconsistent with the provisions of this act are hereby repealed, subject to Sections 3 and 4, Article 14 of this act.

Succession.

Sec. 2. That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the Town of Wauchula, shall pass to and be vested in the corporation organized to succeed said town.

Obligations,
etc.

Sec. 3. That no obligation or contract of said town shall be impaired by this change, but all debts and obligations of said town shall continue unimpaired.

ARTICLE II.

Territorial
boundaries.

Section 1. That a municipality to be called the City of Wauchula is hereby established in DeSoto County, the territorial boundaries of which shall be as follows, viz.: Beginning at the northeast corner of the northwest quarter of Section Three (3) in Township Thirty-four (34) south of Range Twenty-five (25) east, running thence west along the Township line one mile and a quarter to the northwest corner of the northeast quarter of the northwest quarter of Section Four (4) of said Township Thirty-four (34) and Range Twenty-five (25), running thence southward one mile and a half to the southwest corner of the southeast quarter of the northwest quarter of Section Nine (9) in said Township and Range, running thence eastward one mile and a quarter, to the center of Section Ten (10), said Township and Range, and running thence northward one

mile and a half to point of beginning, which boundary embraces the west half of Section Three, the east three-quarters of Section Four, the northeast quarter and east half of northwest quarter of Section Nine, and the northwest quarter of Section Ten, all in Township Thirty-four (34) south, Range Twenty-five (25) east.

Sec. 2. That said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded, and may purchase, lease, receive and hold property, real and personal, within said city, and may sell, lease or otherwise dispose of the same for the benefit of the city; and may purchase, lease, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of waterworks, for the establishment of poor houses and houses of correction and detention, for public parks and promenades, and for other public purposes that the Mayor and City Council may deem necessary or proper; and may sell, lease or otherwise dispose of said property for the benefit of the city to the same extent that natural persons may do so. Said city shall have a common seal, and may change the same at pleasure.

Succession,
property
rights, etc.

Sec. 3. That the government and corporate authority of said city shall be vested in a Mayor, a City Council, a City Clerk, a Treasurer, a Marshal, a Tax Assessor, a Tax Collector and such other officers as may be appointed or elected in pursuance of law and the ordinances of said city. The offices of Clerk and Assessor, of Treasurer and Assessor and of Marshal and Collector may respectively be held by one and the same person, as the Council may by ordinance prescribe.

Corporate
authority.

ARTICLE 3—THE MAYOR.

Section 1. That the Mayor shall be elected for the term of one year, and shall hold office until his successor is elected and qualified; his compensation shall be fixed by ordinance and shall not exceed three hundred dollars per annum, without perquisites, and it shall not be changed during his term of office.

Term and
compensation
of
Mayor.

Sec. 2. That the Mayor shall have jurisdiction for the trial of all offenses against the city ordinances; he shall have power to preserve the peace and enforce good order

Jurisdiction of
Mayor.

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Powers, duties, etc., of Mayor.

within the city. He shall see that the ordinances within the city are faithfully executed; and shall have power by his warrant to have brought before him any person or persons charged with the violation of the city ordinances, and to require the attendance of witnesses for the city, and for the accused; to administer oaths, to take affidavits, and to inquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of the accused and to fix and enforce by penalty the sentence prescribed according to law; to pardon and release persons convicted by him, in term time, or otherwise, by mandate in writing to the Marshal or any policeman; to have and exercise all the powers incident and usual to the enforcement of his jurisdiction. Appeals from the judgment and sentence of the Mayor shall be taken in the time and manner prescribed by law, but all appeal bonds shall be submitted to the Mayor, and if approved by him, said appeal shall operate as a supersedeas. He shall keep a record of his official acts, substantially setting forth the charges preferred against parties brought before him by warrant or otherwise, and of the judgment rendered in each case; and he may require the Clerk to make and preserve such record by regular minutes when in his opinion the public good require it; he may appoint and discharge special policemen and detectives, subject to the approval of the City Council at their next regular meeting.

Sec. 3. That the Mayor shall have power to suspend any officer of the city except Councilmen, for misconduct in office, or neglect of duty, reporting his action in writing with the reasons therefor to the next regular meeting of the Council for its approval or disapproval.

General supervision of Mayor.

Sec. 4. That the Mayor shall have general supervision over all city affairs, except members of the City Council, and may examine into the condition of their offices, and the books, records and papers thereof and therein, and the manner of conducting their official business. He shall report to the City Council all violations or neglect of duty on the part of any official that may come to his knowledge.

Approval of ordinances by Mayor.

Sec. 5. That every ordinance before becoming a law shall be presented to the Mayor under certificate and seal of the Clerk. If the Mayor approve the same he shall sign it and return it to the Clerk, but if he shall not approve it and sign it, he shall return it to the Clerk with his objections

in writing, at or before the next regular meeting of the Council for reconsideration; and if the City Council shall pass the ordinance by a two-thirds vote of the members present it shall become a law. If he shall fail to return any ordinance, or shall return the same unsigned without objections in writing at or before the next regular meeting of the Council after its passage, he shall be deemed to have approved the same, and it shall become a law without his signature.

Sec. 6. That the Mayor shall communicate, from time to time, to the Council, such information, and recommend such measures, touching the public service, as he may deem proper. He shall take care that all the laws and ordinances of the city, and orders of the City Council, are duly observed and enforced, and shall perform such other duties as the ordinances may require of him.

Duties of Mayor.

Sec. 7. That the Mayor may be impeached by the City Council for misfeasance, malfeasance, or nonfeasance in office, and for drunkenness or habitual intoxication; and he may be removed from office by an affirmative vote of two-thirds of all the members of the City Council. Should charges at any time be preferred against the Mayor, they shall be in writing, and shall set forth clearly the offense or offenses of which he is accused, and a copy thereof, signed by the President or President pro tempore of the City Council, attested by the Clerk with the seal of the city attached, shall be served on him by the Marshal, and the City Council shall proceed without unnecessary delay to investigate and decide them. The Mayor shall have the right to be heard in person or by attorney at such investigation and trial.

Impeachment of Mayor.

Sec. 8. That in case of the death or absence of the Mayor from the city, or his inability from sickness or any other cause, to discharge the duties of the office, the President of the City Council, or in his absence or disability, the President pro tempore, shall discharge the duties of Mayor pro tempore, and until the office of Mayor shall be filled in accordance with, and as prescribed by ordinance.

In case of death or absence of Mayor.

ARTICLE 4.—THE CITY COUNCIL.

Section 1. That the City Council shall be composed of seven Aldermen, who shall be elected for the term of two

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Aldermen.

years, except as hereinafter provided, at a general election of the qualified voters of the City of Wauchula, but not more than two electors residing in one ward (after the city has been divided into wards), shall be eligible at any election. Should any member of the Council move his residence from the ward from which he was elected, his term of office shall expire at the next general election, at which election the vacancy shall be filled. At the first election under this charter (after said city shall have been divided into wards, which may be done by the City Council at any time not less than sixty days before any general election), three Aldermen shall be elected for one year, and three for two years. There shall also be elected at said first election after division into wards, one Alderman for the city at large, whose term of office shall be one year. Of the candidates for Alderman of the several wards, the one receiving the highest number of votes shall serve for two years, and the one receiving the next highest number of votes shall serve for one year; at all subsequent elections one Alderman shall be elected to serve for two years in each ward, and one for the city at large to serve for one year. The term of office for any member of the City Council shall expire at the end of the term for which he shall have been elected, as provided herein; and until the city shall have been divided into wards, the number of Councilmen, terms of office, place and manner of elections shall be the same as existed before the passage of this act. The members of the City Council, as soon after election as practicable, not exceeding five days, shall assemble and elect one of their number President of the Council, and one President pro tempore; at all meetings of the City Council the President of the Council, or in his absence, the President pro tempore shall preside. In the absence or disability of the Mayor, the President of the Council shall be invested with all powers and duties of the Mayor, and in the absence or disability of both Mayor and President of the Council, the President pro tempore shall assume the executive authority of the city for the time being.

Council.

Council.

Sec. 2. That the City Council shall be the judges of the qualifications, elections and returns of its own members. It may enact rules of procedure, and may prescribe penalties for the non-attendance or disorderly conduct of its members, and enforce the same. Two-thirds of its members

concurring, it may expel a member for improper conduct in office. A majority of the members of the Council shall be necessary to form a quorum for the transaction of business, but a smaller number may adjourn from time to time, and under the provision of ordinances or rules of procedure may compel the attendance of absent members by the imposition of fines and penalties.

Sec. 3. That the City Council shall hold not less than one regular meeting each month, at such place as may be designated by the Council.

Sec. 4. That the City Council may divide the city into wards, and may change the number and boundary thereof, giving at least sixty days notice, by publication, of such division or change before any general election. On the first division of the city into wards under this charter, the number of wards shall be three. Should the number at any time be increased, there shall be two Aldermen elected for each such additional ward, at the first general election following.

Sec. 5. That the City Council shall have power and is hereby authorized to create such offices and provide by ordinance or resolution for the election or appointment of all such officers and employees as may in their judgment be necessary for the good government of the city, not in conflict with nor to interfere with the duties of the officers provided for in this act, whose duties and compensation shall be fixed before their election or appointment, and their compensation shall not be increased or diminished during their term of service. The City Council shall have power to abolish at any time any office created by it, but shall not abolish any office created by this act.

Sec. 6. That the election or appointment of officers or employees by the City Council shall be viva voce on the call of the roll.

Sec. 7. That all officers and incumbents of office, whether created by this act or by ordinance or resolution, shall be required to give such bond as the City Council prescribe by ordinance or resolution, and shall take the oath hereinafter provided. No Councilman shall be eligible to any other city office, except that of bond trustee.

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Powers of
Council.

Sec. 8. That the City Council shall have power by ordinance to levy and collect taxes upon all property, privileges and professions taxable by law for State purposes; to appropriate money for the payment of the debts and expenses of the city, and for the payment of the debts of the municipal corporation of which said City of Wauchula is the successor under this act; to make regulations to prevent the introduction of contagious or infectious diseases into the city, and to make quarantine laws for that purpose, and enforce the same within five miles of the city, when not in conflict with the rules and regulations of the State and County Boards of Health; to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make regulations to secure the general health of the inhabitants and to prevent and remove nuisances, whether affecting the health or morals of the community; to provide the city with water by waterworks within or beyond the boundaries of the city; to provide for the prevention and extinguishment of fires, and to organize and establish fire departments, and provide all necessary apparatus and equipment therefor; to provide for lighting the city by gas, electricity or other illuminating material; to alter, open, extend, widen, grade, pave, abolish, establish or otherwise clean, improve and keep in repair streets, alleys and sidewalks, and to erect and keep in repair bridges, culverts, sewers and gutters; to regulate and provide for the construction of streets and paving the same, and for the construction and repair of sidewalks and foot pavements, and if the owner or owners, agent or agents of any lot or parcel of land abutting thereon or thereto shall fail to comply with the provisions of any ordinance or resolution of said City Council ordering such improvements within the time as may be prescribed thereby, the City Council or any person duly authorized by them, may contract for such construction, improvements or repairs, and the city shall pay for the same, and the amount so paid shall be a lien upon said lot or parcel of land, which may be enforced by suit at law or equity, and the amount be recovered against said owner or owners by suit in any court of competent jurisdiction; to compel owners of buildings to erect fire escapes when necessary for public safety or safety of the occupants thereof; to grant the right of way through the streets, avenues and public grounds of the city for the purpose of street rail-

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Powers of
Council.

ways; Provided, that nothing in this section shall be so construed as to deprive any abutting owner from receiving any damages that he may incur by reason of granting such right of way; to provide for the gathering and disposal of waste, garbage, night soil, dead animals and other refuse of said city; to provide for the construction of sewers and drains and for keeping them in repair, and to assess the expenses on the property which shall be especially benefited by the improvement in proportion to the amount of such benefit, or upon the abutters in proportion to frontage, and upon all land drained thereby and receives a benefit; Provided, the City Council may, by ordinance or resolution, provide for the payment of any part of the cost of such work or improvement out of the general tax; the reasonable cost of such construction, improvement or repairs shall be equally assessed against said property, and shall be a lien thereon, and be enforced by suit in any court having jurisdiction; to license, tax or regulate auctioneers, peddlers, taverns and all other privileges taxable by the State; to license, tax and regulate hackney carriages, coaches, cars, omnibuses, handcars, wagons and drays and all vehicles of conveyance or hire, and to fix the rates to be charged for the carriage of persons and property within the city, and to the public works and property without the limits of the city; to regulate and license any theatrical or other exhibition, show, circus, parade or amusement; to prohibit and suppress all gambling houses, bawdy houses and disorderly houses, and any exhibition, show, circus, parade or amusement contrary to good morals, and all obscene pictures and literature; to regulate, restrain and prevent the carrying on of manufactories dangerous in increasing or producing fires, and license the sale of fire arms; to regulate the storage of gun powder, tar, pitch, resin, saltpetre, gun cotton, coal oil, gasoline and all other combustible, explosive and inflammable material, and the use of lights, candles, lamps and steam pipes in all stables, shops and other places; to regulate or suppress the sale of firecrackers and all fire works, toy pistols air guns, slung shots, etc. To suppress and prohibit the carrying of concealed weapons and prescribe penalties therefore; to suppress and prevent the sale of intoxicating liquors, wines and beer, when the sale thereof is forbidden in such county and precinct wherein said city is situated, pursuant to an election held for that purpose under the

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Constitution and laws of the State of Florida; to provide for the inspection of milk, butter and lard; to regulate the vending of meat, poultry, fish, fruit and vegetables; to establish and regulate markets; to provide for the arrest, imprisonment and punishment of all vagrants, tramps, beggars, swindlers and disorderly persons, bunco steerers, confidence men and gamblers, by warrant or otherwise, and for the punishment of all breakers of the peace; and disperse disorderly assemblies; to fix from time to time the number and boundaries of the city wards; to pass all ordinances necessary for the health, convenience, comfort and safety of the citizens, and to carry out the full intent and meaning of this act and accomplish the objects of this incorporation; to impose penalties on the owners, occupants or agents of any house, walk or sidewalk or other structure or place or thing which may be dangerous or detrimental to the citizens or their property, unless after due notice, the same be remedied, repaired or removed; to regulate, tax, license or suppress and prohibit, and punish by fine or imprisonment the keeping and going at large of all animals, fowls and domestic birds within the city; to impound the same, and in default of redemption, pursuant to ordinance, to sell, kill or otherwise dispose of same; to provide for inclosing, improving and regulating all public grounds belonging to the city, in or out of the corporate limits; to provide for the organization and maintenance of a police force, and to impose fines, forfeitures and penalties and terms of imprisonment at hard labor or otherwise for a breach of city ordinance; but no penalty shall exceed five hundred dollars, and no term of imprisonment shall be for a longer period than three months for one and the same offense; to provide for the imprisonment of offenders against the city ordinances at hard labor on the streets, or at other work to be designated by ordinance until the fines and costs adjudged against them by judicial authority are paid, the Council shall determine by ordinance the amount to be credited to such prisoners on account of fines and costs for each day's work performed; to take and appropriate private grounds in manner and form provided by law for condemnation, for widening streets or parts thereof, or for extending the same, or for laying out new streets, avenues, alleys, squares, parks or promenades, when the public convenience may require it, and to assess the cost and expense pro rata

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for such improvement upon the property specially benefited thereby; to require parties or their agents owning property within the city to bring the same to a grade or topographical level, by filling or excavation, as shall be necessary, the city having and exercising the same rights of lien and its enforcement as provided in case of sidewalks, pavements, etc., when the said work for excavation or filling shall be done by the city. To prescribe the limit within which wooden buildings shall not be erected, and the manner and materials of which all buildings within such limits shall be constructed; to declare every building erected or placed contrary to any ordinance passed under this provision a common nuisance; to prevent the unsafe construction, location or use of chimneys, flues, stovepipes or other things used for fire or for conducting smoke, and compel the cleaning or removal of them; to prevent the deposit of ashes in unsafe places; to require the inhabitants of the city, when deemed necessary or expedient, to procure buckets and ladders for use in case of fire and to regulate the use of them; to punish the willful making of a false alarm of fire, or the willful utterance or publication of a false report of the existence of any contagious, infectious or epidemic disease; to regulate or prohibit the use of steam whistles within the city, and to regulate the speed with which locomotives or other motive power may run and the signals to be given, and precautions to be taken at street crossings and other frequented places; to provide for the inspection of steam boilers, and prohibit the use of unsafe ones; to regulate the use and location of telegraph and telephone wires and poles, and upon any specific streets to require that the wires be laid underground; to provide for keeping records of births and marriages, and to make such other and further ordinances not inconsistent with the laws of Florida as shall be deemed expedient for the good government of the city, the protection of property, the preservation of peace and good order, the suppression of vice, the benefit of trade and commerce, the preservation of health, for the exercise of its corporate powers, and the performance of its corporate duties.

Sec. 9. It shall be the duty of the City Council, each year, to agree upon a budget of expenses for the ensuing year; which budget shall designate the regular officers of the corporation for the ensuing year, with the salaries

Budget of expenses.

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of each, as provided for under this act, and under general heads, as street, fire department, lights, water, police, etc., the subject of corporation expenditure and the estimated amount run out in figures of the probable expenditure for each purpose; and this budget shall be published in a newspaper of the City of Wauchula.

Committees. Sec. 10. That the City Council shall by ordinance or resolution determine the number of standing committees, the number of members of which each of said committees shall consist, and shall designate the duties of each; the President of the Council shall appoint said committees annually as soon after organization as practicable.

Compensation of Councilmen. Sec. 11. The members of the City Council shall each receive not exceeding two dollars for each and every regular meeting of the Council attended by them respectively, as shown by the minutes kept by the Clerk payable monthly.

ARTICLE 5.—BONDS AND BOND TRUSTEES.

Section 1. Whenever it shall be deemed advisable to issue bonds of the City of Wauchula for any of the following purposes:

Purposes for issuing bonds.

- To improve the streets and sidewalks;
- To establish waterworks and fire protection;
- To establish a gas or electric light system;
- To establish a sewerage system;
- To purchase or erect a city market building;
- To purchase or erect city school buildings;
- To provide a public park or parks and improve the same;

To establish a street railway system;

Authority to issue bonds, etc.

And for any other purpose deemed necessary for the public good the Mayor and City Council of the City of Wauchula, in their corporate capacity, are hereby authorized to issue bonds of said city, under the seal of the corporation, to an amount not exceeding in the aggregate ten per cent of the assessed value of the taxable property of said city at the time of issue, which shall be signed by the Mayor, countersigned by the President of the City Council, and attested by the Clerk; with interest coupons attached, which shall be signed in like man-

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ner; Provided, however, That before said bonds shall be issued, the issuance of the bonds proposed to be issued at any time shall be provided for by ordinance expressing in exact terms the amount and the purpose for which said bonds are to be used, and subsequently approved by a majority vote cast by the freeholders of said city, who are qualified to vote as shown by the registration and tax books of said city, at an election held for that purpose, at a time and in a manner prescribed by city ordinance.

Sec. 2. The bonds issued under this act shall be of the denomination of one thousand dollars (\$1,000) each, bearing a rate of interest not exceeding six (6) per cent. per annum, payable semi-annually on the first days of January and July, and to be due in not less than ten nor more than fifty years from the date thereof, as said corporate authorities may determine.

Bond issue.

Sec. 3. The bonds herein provided for shall in no case be sold at a greater discount than five per cent. of their par value.

Sec. 4. There shall be a board of three Bond Trustees, who shall serve as a Board of Public Works also; who shall each give bond in a sum to be fixed and approved by the City Council, conditioned for the faithful performance of their duty. It shall be the duty of the said Board of Bond Trustees, as soon as the City Bonds herein authorized have been executed, to offer same for sale, by notice stating the amount of bonds for sale, the rate of interest, and when and where the same shall become due and payable, advertised in a newspaper published in the City of Wauchula, and also in not less than two other newspapers published in cities reputed to be money centers, if deemed necessary. The Trustees shall receive bids for the purchase of said bonds, or any part thereof, on or before the expiration of sixty days from the date of said publication. The Trustees shall have the right to reject any and all bids, and readvertise the bonds or any portion of same remaining unsold.

Board of Public Works and Bond Trustees.

Sec. 5. A bank or banks, to be designated by the City Council, shall receive and be the custodian of said bonds, and all moneys arising from the sale of said bonds.

Depository.

Sec. 6. The Board of Bond Trustees shall advertise for bids for work to be done for which bonds are issued,

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Work under
management
of Bond
Trustees.

make contracts with the lowest responsible bidder, who shall be required to give bond for the faithful performance of his contract; but the said board shall have the right to reject any and all bids received; they shall personally or through proper agents select all material and have full supervision and charge of all work and of the carrying out all contracts for the performance of all work for which bonds are issued; and shall audit all accounts connected with such work, and pay the same by order or check on the bank holding the proceeds of the sale of said bonds, which said checks shall be invalid unless signed by at least two members of the Board of Bond Trustees, and countersigned by the President of the Council, and shall be so worded.

Bond Trust-
tees.

Sec. 7. The Board of Bond Trustees shall be allowed as compensation for their services an amount equal to two per cent. of the expenditures of the proceeds of said bonds; they shall be elected by a majority vote of the legal voters of the City of Wauchula, at the same election at which the bonds are voted, and shall serve until the completion of the work for which such bonds are issued. Vacancies in the Board of Bond Trustees shall be filled by a majority vote of the remaining trustees and a full board of the City Council in joint session. Any trustees may be removed from office in the same manner and for the same causes as are provided in Section seven, of Article three, of this act for the impeachment of Mayor. A majority of said trustees shall constitute a quorum and be capable of transacting business.

Books of ac-
count.

Sec. 8. The said Board of Bond Trustees shall cause to be kept proper books of account which shall be at all times subject to inspection by the City Council, and upon completion of the work entrusted to them, the same, with a full report of their action, shall be turned over to the City Council, who shall examine and audit the same, and cause a copy of the same to be published in a newspaper in the City of Wauchula.

In case of
an unex-
pended bal-
ance.

Sec. 9. In the event there shall be remaining in the bank or banks an unexpended balance of money that was received from the sale of bonds, after the work for which such bonds were issued has been completed, they shall invest such balance in such interest bearing securities as they may elect, to be approved by the City Council, and

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such securities shall be turned over by them to the City Treasurer, who shall receive and give his receipt for the same, and such securities shall remain in the hands of the City Treasurer, and the proceeds thereof applied to the payment of the bonds or the interest thereon as directed by resolution of the City Council.

Sec. 10. That the adverse result of an election to determine the question of the issue of bonds for any one or more of the purposes mentioned in Section one of this article, shall not debar the then existing or any subsequent City Council from re-submitting the same questions to the legal voters of the city after the lapse of one year; but the question of bonding for any purpose not already voted upon may be submitted to the vote of the people whenever in the judgment of the City Council it may be considered advisable.

Question may be re-submitted to the electors.

Sec. 11. The City Council shall have the power to levy annually such special tax on the taxable property within the corporate limits of the City of Wauchula as may be necessary to provide for the payment of interest coupons, and to provide for the payment of said bonds at maturity; and same shall be deposited by the City Treasurer in such interest paying bank or trust company or invested in such securities as shall be designated by the City Council.

Power to levy an annual special tax, etc.

ARTICLE 6.—ELECTIONS.

Section 1. That the first election of officers under this act shall be held by the present officers of said city of Wauchula in accordance with the present ordinances of said city, and the general laws of the State of Florida, in so far as the latter are applicable to municipalities, on the first Tuesday in November, A. D. 1907, and annually thereafter on the first Tuesday in November of each year. The persons then elected to office shall be sworn into their respective offices within three days thereafter. There may be special elections to fill vacancies as provided for by ordinance; all voters shall vote by ballot; all persons who shall possess the qualifications requisite to an elector at general State elections, and shall have been a resident of the City of Wauchula for six months next preceding any election, and of the ward wherein he resides for thirty days next preceding the election (provided, the city shall have been divided into wards), and who shall have

Elections.

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been duly registered in the manner provided by ordinance, and shall have paid all poll taxes as provided by law, shall be deemed a legal voter at any election of said city. The City Council shall provide by ordinance for the registration of voters, and for the revision of the registration lists. State or county registration shall not be necessary to qualify an elector of the City of Wauchula.

Conduct of
election.

Sec. 2. That the inspectors and clerks of elections shall be appointed by the Mayor, and shall take an oath to faithfully and impartially discharge their several duties. The polls shall be opened and closed at the hours appointed for State elections, and the City Council may prescribe rules and regulations not inconsistent with this act or the laws of the State of Florida. The result of all city elections shall be ascertained and transmitted to the Mayor and City Clerk, authenticated and certified by the clerk and a majority of the inspectors of the elections for each ward, or of the city until such wards shall have been established. The City Clerk shall forthwith enter the same in a book to be kept for that purpose,

Duty of
Board of
Canvassers.

Sec. 3. The Board of Canvassers of results of all general and special elections shall consist of the inspectors and Mayor and City Clerk, and it shall be the duty of the Board of Canvassers within one day after they shall have declared the result of any general or special election to furnish their certificate to each person elected, of the fact of his election, and such certificate shall authorize the person or persons receiving it to take the required oath and enter upon the duties of the office to which he or they may have been elected, after approval of the requisite bond.

In case of a
tie.

Sec. 4. That when two or more persons shall have an equal number of votes for any of the offices herein provided for, the election for the office for which there is a tie shall be referred back to the voters of the city (or of the ward in which the tie occurred, if it be confined to a ward), by proclamation of the Mayor, and such second election may be held within the next succeeding ten days after the first election.

Officers shall
give bond.

Sec. 5. That every officer elect, before entering upon the discharge of the duties of his office, shall give such bond as may be prescribed by ordinance, and shall take the

following oath of office: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and government of the United States, and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and ordinances of the City of Wauchula, and that I will well and faithfully perform the duties of of said city, on which I am about to enter; so help me God."

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Oath of
office.

Sec. 6. In case of a vacancy in the Council or other elective offices other than Mayor, occurring more than ninety days before a regular election, the Mayor shall call an election to fill the vacancy for the unexpired term. And in case of temporary absence or disability of any elective officer, except Mayor or Councilmen, the Council shall make an appointment pro tempore, to fill such vacancy.

Vacancy.

ARTICLE 7.—MARSHAL AND COLLECTOR.

Section 1. That there shall be a City Marshal, who may also serve as Collector of Revenue, when so provided by ordinance, who shall serve for one year and until his successor is elected and qualified. That he shall be elected annually at the general election for city officers herein provided for. He shall receive such compensation as the City Council may determine, which shall be fixed by ordinance before his election, and shall not be changed during his term of office.

Marshal and
Collector.

Sec. 2. That it shall be the duty of the Marshal to attend all regular meetings of the City Council and such called meetings of which he may have notice; to aid in the enforcement of order under the direction of the presiding officer; to execute the commands of the Council from time to time, as well as of the Mayor in the line of his duty; and to execute all process issued by authority thereof; to attend the Mayor's court during its sittings, and to execute its commands; to aid in the enforcement of order therein, and to perform such other duties as may be appropriate to his office under the provisions of law. He shall have control of the police force, subject to the commands of the Mayor, and shall have police powers of arrest.

Duties of
Marshal.

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Authority to
arrest with-
out warrant.

Sec. 3. That the City Marshal shall have the authority to immediately arrest, with or without warrant, and take into custody any person who shall commit, threaten or attempt to commit, in his presence, or within his view, any offense prohibited by the ordinances of the city; and shall without unnecessary delay upon making such arrest convey the offender or offenders before the Mayor to be dealt with according to law.

Duties of
Collector.

Sec. 4. It shall be the duty of the Collector of Revenue of the City of Wauchula to collect all taxes on real and personal property in the city according to the assessment roll delivered to him by the Assessor of Taxes of the city, as required by ordinance; to collect all licenses on trades and occupations provided for in this charter and the ordinances of said city; to receive all funds collected, giving receipts for the same; and he shall make weekly payments to the Treasurer of all funds coming into his hands, and take the Treasurer's receipt therefor; and he shall make a report to the City Council monthly, or oftener if required, of all receipts and payments to the Treasurer. The Collector shall perform all acts required of him in the collection of taxes and licenses as stipulated by ordinance of the city, and shall give such bond as the City Council may determine, for the faithful performance of his duties. His compensation shall be fixed by ordinance.

Police force.

Sec. 5. The City Council shall have power to establish and maintain a police force sufficient to preserve the peace, good order and morals of the city, and to establish the necessary rules for its government. The members of the police force shall have like powers with those herein granted to the Marshal in making arrests for violation of law.

Common law
and statuto-
ry authority.

Sec. 6. That the City Marshal and members of the police force, in addition to powers incident to their office, and as herein designated, shall possess common law and statutory authority of constables except for the service of civil process.

ARTICLE 8.—CLERK AND ASSESSOR.

Section 1. That there shall be a City Clerk, who may, when so provided by ordinance, also serve as Tax Assessor for the city; he shall serve for one year and until his

successor is elected and qualified; he shall be elected at each annual election by the legal voters of said city; he shall be paid a salary to be fixed by the City Council, and all fees and costs and emoluments of said office shall be paid into the city treasury; he shall give bond for the faithful performance of his duty, in such sum as may be prescribed by the City Council.

Sec. 2. That it shall be the duty of the City Clerk to preserve and care for the records and files of the city; to attend all meetings of the City Council, regular or called; to keep and enter on record minutes of all official acts of the Council, and enter into books to be kept for that purpose, all ordinances and resolutions passed by the Council; and perform such other duties as the Mayor or Council may require usually pertaining to his office; he shall have his office and conduct his duties in such building as may be designated by the City Council, and shall have his business hours prescribed by ordinance. He may take affidavits of any person charging another with violation of city ordinance, and issue warrants for the offender, returnable before the Mayor. He shall be Clerk of the Mayor's court, and as such discharge the duties hereinafter prescribed, viz.: he shall keep a docket in which shall be entered the titles of all the cases tried in Mayor's court, the nature of the offense charged, the names of all witnesses sworn and by whom called, the finding and judgment of the court, the costs incurred and by whom, whether the judgment is satisfied and if so how satisfied, and the date of appeal if granted. Upon the conviction or acquittal of any defendant the Clerk shall procure and file in his office the complaint or warrant or other process in the case, and a copy thereof, and of the docket aforesaid, certified to by him to be a true copy of the original in his keeping, under the seal of the city, shall be prima facie evidence thereof and of the facts therein stated and have the same force and effect in all courts as would the original, if produced and proved as such.

Duties of Clerk.

Sec. 3. It shall be the duty of the City Tax Assessor to make an annual assessment of all the property, real and personal, in the City of Wauchula, for taxation, at its full cash value; Provided, however, that in no case shall the valuation of property be more than double the last valuation thereof by the State; he shall notify all tax pay-

Duties of Assessor.

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ers by mail of the amount of assessment of their property; and where his duties are not specifically prescribed herein, he shall conform substantially to the regulations and requirements of the laws of the State in regard to the assessment of taxes. He shall serve for one year as other officers, and his compensation shall be fixed by ordinance.

ARTICLE 9.—TREASURER.

Duties of
Treasurer.

Section 1. It shall be the duty of the Treasurer to receive and keep all moneys paid the city for taxes, licenses and other sources, except from the sale of bonds; and pay out the same on warrants drawn by the Mayor and attested by the Clerk, and shall report monthly all payments made to and by him, and all balances of public funds, and shall present to the Council a monthly certified statement from the bank where the public money is deposited, setting forth the balance standing to the credit of the City Treasurer; and he shall deposit daily all public moneys or funds coming into his hands, and the Council shall cause the reports aforesaid to be published quarterly in some newspaper in the city; the City Treasurer, before entering upon his duties, shall give bond in such amount as may be determined by the Council by ordinance for the faithful performance of his duties. His books shall at all times be open to the inspection of the Mayor or City Council; he shall be elected at the general election of city officers herein provided for, and shall hold office until his successor is elected and qualified; his compensation shall be prescribed by ordinance.

ARTICLE 10.—REVENUE AND TAXATION.

Property
subject to
taxation.

Section 1. All property real and personal, in the City of Wauchula, not expressly exempted by the State laws, shall be subject to taxation in the manner provided in this charter and the ordinances of the City of Wauchula.

Duty of
Assessor.

Sec. 2. Between the first day of July and the first day of October in each year the City Assessor shall list and assess for taxation all property in said city which is or shall be subject to taxation for State purposes; he shall assess the taxable property in the city as herein provided, and according to the laws, which is or shall be assessed for State purposes, and shall have access to the assessment

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roll of the County Assessor, without cost, expense, delay or hindrance to ascertain the description and valuation of such property therein; and shall make out duplicate assessment rolls of all such taxable property. The assessment of personal property shall be separate from that of real estate. The assessment rolls shall be prepared in conformity with the law governing State and county assessments, so far as the same may apply.

Sec. 3. The Assessor shall complete the assessment rolls of the city on or before the first Monday in October in each year; on which day such officer shall meet with the City Council at the Council Chamber for the purpose of reviewing and equalizing the assessment, and they may continue in session for that purpose from day to day as long as shall be necessary; and the City Council may review the same, hear complaints and correct inequalities in such valuation, and for that purpose may raise or lower the valuation fixed by the Assessor.

When assessment roll shall be completed.

Equalization.

Sec. 4. The Council shall thereupon, at a time to be fixed by ordinance, determine the amount to be raised by taxation for municipal purposes, and shall determine and fix the rate of taxation for the current year, as is herein further provided. The Council is hereby empowered to levy annually such taxes as are authorized by the general laws of the State of Florida.

Amount and rate of taxation and power of Council to levy.

Sec. 5. If the owner or owners of personal property subject to tax shall fail or refuse to pay the taxes levied thereon within the time specified by law, the Collector shall proceed substantially in the same manner in the collection of such tax, and the sale of personal property for non-payment of taxes, as is by law provided for the County Tax Collector, and as shall be prescribed by ordinance.

Failure or refusal to pay taxes.

Sec. 6. The City Council shall provide by ordinance for the issuing of occupational licenses, and for the collection of the same, to the extent authorized by this charter and the laws of the State of Florida, and upon the same business, occupations and professions, except as herein provided; and shall prescribe penalties for the carrying on or conducting such business, occupation or profession without license; and shall have full power and authority to enact such ordinances as may seem proper and neces-

Occupational license tax.

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sary in regard to the assessment and collection of revenue under this act and not inconsistent therewith, and in accordance with the laws of the State of Florida.

Tax Collec-
tor's duties.

Sec. 7. The Tax Collector shall, unless otherwise provided herein, proceed substantially in the same manner in the collection of taxes and the sale of lands and personal property for non-payment of taxes and licenses, as County Tax Collectors, and for taxes due by any railroad or telegraph company, he may levy upon and sell any property within the corporate limits of the city belonging to such company, other than railroad track, or right of way or telegraph line.

ARTICLE 11.—ROAD DISTRICT.

Road dis-
trict.

Section 1. The territory contained within the corporate limits of the City of Wauchula is hereby declared to be and the same is hereby constituted an independent road district.

Persons sub-
ject to work
on streets
and bridges.

Sec. 2. Under the provision of ordinance every able bodied male person over the age of eighteen years and under the age of forty-five years resident of the City of Wauchula for thirty days, shall be subject and liable to work on the streets and bridges in said city, for not more than six days in each year, and the City Council shall have power to regulate such service and to impose penalties for its non-performance. Provided, That any such person so subject to street duty may perform such service by an able bodied substitute over the age of eighteen years, or in lieu thereof may pay the Marshal of the city the sum of fifty cents for each day he is required to work, taking his receipt therefor; Provided, further, That all maimed or crippled persons, who shall furnish a certificate of a practicing physician of such disability, persons of unsound mind, ministers of the gospel in charge of a church, members of city fire department and city officers, shall be exempt from street duty under this act.

Proviso.

Proviso.

One half of
amount real-
ized by levy
by County
Commission-
ers to go to
city.

Sec. 3. One-half the amount realized from any and all road and bridge taxes levied on property within the City of Wauchula by the County Commissioners of DeSoto County, shall be turned over annually to the municipal authorities of the City of Wauchula, to be used in re-

pairing, working, improving and laying out the streets and bridges thereof, as may be prescribed by ordinance.

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ARTICLE 12.—CITY ATTORNEY.

Section 1. There shall be a City Attorney, who shall be elected annually by a majority vote of the City Council, whose duties it shall be to prosecute and defend suits for and against the City of Wauchula; and he shall be the legal adviser of the Mayor, the City Council and Board of Bond Trustees. His salary shall be fixed by ordinance not to exceed one hundred dollars per annum; Provided, however, That special compensation may be allowed for prosecuting or defending cases in State or Federal courts.

City Attorney.

ARTICLE 13.—CITY PHYSICIAN.

Section 1. That there shall be a City Physician, who shall be elected annually by a majority vote of the City Council, whose duties and compensation shall be prescribed by ordinance.

City Physician.

ARTICLE 14.—MISCELLANEOUS.

Section 1. No officer of the City of Wauchula shall be a contractor directly or indirectly for any work to be executed and done for the city, and no officer or employe of the city shall either directly or indirectly purchase or receive in exchange a city warrant, coupon of a city bond or other evidence of the city's indebtedness for a less amount than that expressed on the face of such warrant or demand; and any such person so offending shall, for each offense, be deemed guilty of a misdemeanor, and upon conviction thereof be fined in a sum of not more than five hundred dollars.

No officer shall be personally interested in any work or handle bonds, coupons or purchase warrants, etc.

Sec. 2. That all ordinances passed by the City Council shall be published in a manner and for a time to be prescribed by ordinance.

Ordinances shall be published.

Sec. 3. No person shall be eligible to the office of Mayor, City Council, Clerk, Assessor, Marshal, Collector, Treasurer or Bond Trustee who shall not be a citizen of the State of Florida and a legal and qualified voter of said

Eligibility of officers.

1907.**Terms of
office, etc.**

State. And the present Mayor, Clerk, Assessor, Marshal, Collector and Treasurer of said city shall hold their respective offices until their several successors are elected and qualified; and the present City Council shall hold their offices until the first election of officers as provided in this act; all of said officers of said city are hereby vested with the powers and privileges granted and conferred upon their respective offices by this act; nothing herein contained shall be so construed as to in any way impair or limit any of the powers, rights and privileges not herein specified, now exercised, held and enjoyed by the City of Wauchula, or the officers thereof, under the Constitution and laws of the State of Florida.

**Former or-
dinances to
remain ef-
fective.**

Sec. 4. All ordinances and parts of ordinances now in force in said City of Wauchula, and which are not in conflict with the provisions of this act, or with the Constitution and laws of the State of Florida, shall be and remain in full force and virtue until repealed by the City Council or their successors; and all laws now in force, or that may be hereafter enacted for the government of cities and towns, except in so far as they conflict with the provisions of this act, shall apply to the said municipality and the officers thereof.

**Assessments,
levies and
collections
legalized.**

Sec. 5. That all assessments, levies and collections of taxes heretofore done and performed by the corporation of the town of Wauchula are hereby legalized and declared valid and of full force, virtue and effect and binding in law and equity.

Sec. 6. All laws and parts of laws in conflict with this act are hereby repealed so far as they affect the City of Wauchula.

Sec. 7. This act shall go into effect immediately upon its passage and approval by the Governor.

Approved May 22, 1907.

AN ACT to Incorporate and Establish a Municipal Government for the Town of Wellborn, in Suwannee County, Florida; to Provide for its Officers and Prescribe Its Powers; and to Repeal Chapter 5371 of the Laws of Florida, the Same Being an Act Entitled "An Act to Incorporate the Town of Wellborn in Suwannee County."

Be it Enacted by the Legislature of the State of Florida:

Section 1. That a municipal corporation is hereby created and established in the County of Suwannee under the corporate name of Wellborn, and that the corporate bounds or limits shall comprise the following described territory, to-wit:

The northeast quarter and the east half of the north-west quarter of Section sixteen (16), Township three (3), south of Range fifteen (15) east.

Sec. 2. That said municipality is hereby granted all the powers given to such corporations under the general laws of the State; also the power to fix the valuation upon property within its limits, both real and personal, for the purposes of municipal taxation; also to fix and collect a license tax upon any and all lines of business, professions and occupations carried on and conducted within the corporate limits of said town; Provided, That when any business, profession or occupation is taxed by the State then the said town shall not collect more than fifty per cent of the State tax on such business, profession or occupation.

Sec. 3. That the corporate authority of said town shall be vested in a Mayor, Marshal, Clerk, Tax Collector, Tax Assessor, Treasurer and Town Council, and such other officers as may from time to time be provided for by law and ordinance. The Town Council shall consist of five members. The offices of Marshal and Tax Collector may be held by one and the same person. The offices of Clerk, Treasurer and Tax Assessor may be held by one and the same person. All the officers of said town shall be quali-

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fied voters of said town; Provided, That the offices of Marshal and Tax Collector may be held by other than a qualified voter.

**Terms of
officers, etc.**

Sec. 4. That the present officers of said town shall hold their several offices until the next general election of said town as is now provided for by ordinance, or until their successors are elected and qualified. That at the first general election in said town, after this act shall go into effect, there shall be elected all of the officers provided for in three of this act; Provided, That at the first election held under this act two members of the Town Council shall be elected to serve for a term of one year, and three members of said Town Council shall be elected to serve for a term of two years. The terms of all the officers of said town, except members of the Town Council, shall be for one year from the date of their election; the term of the members of the Council shall be for two years. That all the officers of said town shall hold their respective offices until their successors are elected and qualified. Members of the Town Council shall not hold any other office under the town government.

Compensation.

Sec. 5. The officers of said town shall receive such compensation as shall be fixed by ordinance.

**Powers and
duties.**

Sec. 6. The powers and duties of the officers of said town shall be such as shall be prescribed by ordinances, said ordinances to be in conformity to the Constitution and laws of Florida.

Elections.

Sec. 7. The Town Council shall provide by ordinance the time and manner of conducting all town elections, for the registration of voters and the certifying the returns of such elections, same to conform to the election laws of the State as applying to municipalities. All residents of said town who are qualified to vote at State and county elections shall be qualified to vote in said town if registered therein.

**Former ordi-
nances.**

Sec. 8. That all ordinances of said town now in force, that are not in conflict with this act and the laws of the State, shall be and remain in force and effect until amended or repealed by the Town Council.

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Sec. 9. When the County Commissioners of Suwannee County shall levy and collect a road tax upon the real and personal property in said county they shall pay over to the town of Wellborn one-half of the said road tax that is collected upon the real and personal property in said town. County Commissioners to pay one half of city taxes collected to the town.

Sec. 10. That Chapter 5371 of the Acts of 1903 and of the laws of Florida is hereby repealed.

Sec. 11. This act shall take effect immediately upon its passage and approval by the Governor.

Approved May 23, 1907.

CHAPTER 5866—(No. 271).

AN ACT to Enlarge the Territorial Limits of the City of West Palm Beach, in Dade County, Florida, and to Limit the Assessment and Collection of Taxes Upon the Lands Embraced Within the Added Territory; to Provide for the Enforcement of Ordinances Therein, and to Extend the Police Power of the City of West Palm Beach Over Certain Roads Leading From the Added Area to West Palm Beach.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That in addition to the territory now within the City of West Palm Beach, as established by Chapter 5367 Laws of Florida, the limits of said city be and are hereby extended to embrace all of Sections 20, 29, 30, 31, 32 and west $\frac{1}{2}$ of 33, in Township 43 south, Range 43 east; the south $\frac{1}{4}$ of Section 25, southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$ of 26, east $\frac{1}{4}$ of 35, and all of 36, in Township 43 south, Range 42 east; Section 1, east $\frac{1}{4}$ of 2, east $\frac{1}{4}$ of 11, all of 12, 13, east $\frac{1}{4}$ of 14, northeast $\frac{1}{4}$ of northeast quarter of 23, north $\frac{1}{4}$ of 24, in Township 44 south, Range 42 east; west $\frac{1}{2}$ of Section 4, all of 5, 6, 7, 8, west $\frac{1}{4}$ of 9, west $\frac{1}{4}$ of 16, all of 17, 18, north $\frac{1}{4}$ of 19, north $\frac{1}{4}$ of 20, north $\frac{1}{4}$ of northwest $\frac{1}{4}$ of 21, in Township 44 south, Range 43 east; and the right of way for the outlet canal Additional territory.

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owers of
West Palm
Beach.

150 feet wide from Lake Clarke to Lake Worth through part of Township 44 south, Range 43 east.

Sec. 2. That as to the territory by this act added to its territorial limits, the municipal corporation of West Palm Beach is empowered to enact and enforce ordinances limited to and specially applicable to such territory and within the police powers of said city, for the protection of persons and property and for the maintenance and protection of embankments built or to be built and drains cut or to be cut for the drainage and protection from overflow of the lands embraced therein, and to prevent the pollution of the waters thereon or adjacent thereto from which the water supply of said city is or may be drawn, and for the assessment and collection of taxes to enable said city to properly maintain and protect such ditches and embankments, which ordinances and taxation shall not be operative within that part of said city embraced in Section 21 and all that part of Section 22 lying west of the center of Lake Worth in Township 43 south of Range 43 east, and the rate of taxation assessed and levied by said city may be at a different rate as to the land embraced in such added territory from the tax assessed and levied upon the territory embraced within said city's corporate limits by Chapter 5367 Laws of Florida, and shall be limited to such rate as shall enable said city to maintain and protect said embankments and ditches; and the inhabitants of said added territory shall not be required to pay any other and further municipal taxes than such as may be so assessed and levied for maintenance and protection of said embankments, ditches, and police protection of said territory herein and hereby added to said city; Provided, Always, that the moneys obtained from taxes assessed and collected from the territory of the City of West Palm Beach, as described in Chapter 5367 Laws of Florida, shall at no time be used to pay any judgment or decree for damages recovered against said city in any suit or suits arising or accruing by reason of the said city assuming the powers and duties prescribed in this act and for the non-feasance or misfeasance of its Council or officers acting thereunder.

Sec. 3. The Mayor of said city shall have the same jurisdiction to enforce all ordinances within the police powers of said city and such other ordinances as may be appli-

cable, and to punish persons violating such ordinances within said added territory as he now has to enforce ordinances and punish violations thereof within the territory named in Chapter 5367 Laws of Florida.

Sec. 4. The police power of the City of West Palm Beach be and the same is hereby extended to cover and embrace all public and private roads now existing or that may hereafter be constructed connecting the added territory with the City of West Palm Beach as described in Chapter 5367 Laws of Florida.

Police power extended.

Approved June 3, 1907,

CHAPTER 5867—(No. 272).

AN ACT to Revise and Amend the City Charter of the City of West Tampa and to Ratify and Confirm Certain Acts and Proceedings of the Said City.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Chapter 4497 of the Laws of Florida, approved May 18th, 1895, shall be and is hereby amended so as to read as follows:

That a municipal corporation is hereby created in the County of Hillsborough under the corporate name of West Tampa, and the corporate bounds or limits thereof shall comprise the following described territory, to-wit:

Incorporation

Beginning at the point where the Hillsborough River intersects the half section line running east and west dividing Section eleven (11), Township twenty-nine (29) south, range eighteen (18) east, thence running west to the northwest corner of the northeast quarter of the southwest quarter of Section ten (10) in the same Township and Range; thence running south to the southwest corner of the southeast quarter of the southwest quarter of Section fifteen (15) in the same Township and Range; from thence run east on the section line dividing Sections fifteen (15) and twenty-two (22) to the southeast corner of said Section fifteen (15) in the same Township and Range; from thence run south on the section line divid-

Territorial boundary.

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ing Sections twenty-two (22) and twenty-three (23) in the same Township and Range to the southwest corner of the northwest quarter of the northwest quarter of Section twenty-three (23) in the same Township and Range; from thence run east on the quarter section line in the same Township and Range to where the same intersects the west boundary of the right of way of the Atlantic Coast Line Railroad, thence along the right of way of the said Atlantic Coast Line Railroad in a northeasterly direction to the point where the same intersects the section line dividing Sections twenty-three (23) and twenty-four (24) in the same Township and Range; thence north along the said section line to the point where the same intersects the west bank of the Hillsborough River; thence in a northwesterly direction along the bank of the Hillsborough River to the point of beginning.

Powers.

Sec. 2. That said corporation is hereby granted all the powers given to municipal corporations under the general laws of the State and in addition thereto the following special powers, which shall not be construed as limited or qualified by any provisions or limitations contained in said general laws, viz., power to affix a valuation upon property within its limits, both real and personal, for the purpose of municipal taxation, independent and irrespective of such valuation as fixed by the State; to make special assessments upon abutting property for the purpose of building sidewalks, laying sewers, and paving and otherwise improving or establishing streets; to subject itself to a bonded indebtedness for the purpose of paving and improving streets, constructing sewers or waterworks or securing fire protection, and for any other municipal purposes, provided that no bonded indebtedness shall be incurred without submitting the question to a vote of the freeholders of property within the city, otherwise qualified to vote at municipal elections, and unless a majority of the votes cast shall be in favor of the issuance of bonds, and the entire bonded indebtedness shall never exceed fifteen per cent. of the assessed value of the real and personal property on the assessment roll of the city; to provide for the acquisition and establishment of, and to operate and maintain, waterworks, electric and other lighting plants, and all other plants and public utilities necessary, useful, convenient or beneficial to the city or

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Powers.

the inhabitants thereof, and in the event the city should at any time deem it advisable so to do it shall have power to sell and dispose of any plants so owned or established by it on such terms as it may deem just and reasonable, and to grant to the purchaser thereof a franchise to perform the service theretofore performed by the city for such period and upon such terms and with such conditions as may be prescribed by ordinance; to impose license taxes upon businesses, occupations and professions carried on and engaged in within the city limits, and to fix the amounts thereof; to regulate and control from time to time, the operations of public utilities within the city, and the use of the streets of the city by persons and corporations engaged in public businesses involving the use of such streets; to fix, regulate and control from time to time the terms and conditions upon which street railroad companies shall be permitted to operate within the city, and subject thereto to grant franchises to such companies for such periods and upon such terms and conditions as may be prescribed by ordinances; to establish and maintain a fire department; to fix, establish and regulate fire-limits within the city and prescribe rules and regulations for the erection and repair of buildings within such limits; to define, prevent or abate nuisances; to provide by ordinance for the creation of liens upon property for public charges and assessments; and to do, regulate and control, from time to time, any and all such other matters and things whatsoever, pertaining to the welfare of the city, not inconsistent with the Constitution and Laws of the United States, the Constitution of this State, the provisions of this charter, and the criminal laws of this State, as fully and completely as if there were an express grant of authority so to do, it being the intention of this clause to delegate to the said city all such power and authority pertaining to its municipal affairs as it would be competent to delegate if expressly mentioned herein, but no penal ordinance shall prescribe a greater penalty than authorized by the general laws in relation to municipal corporations.

Sec. 3. That the corporate authority of the city shall be vested in a Mayor, Clerk, Marshal, Treasurer, an Assessor and Collector of Taxes, which offices of Assessor and Collector of Taxes may be held by one and the same person,

<u>1907.</u>	a Council consisting of seven members together with such other officers as may from time to time be provided for, either by law or by the ordinances of said city.
Election.	Sec. 4. That the Mayor and members of the City Council and all other elective officers of the city shall be elected at an annual election to be held on the first Tuesday in June of each and every year, and the present officers of the city shall continue in office until the election and qualification of their successors. It shall be discretionary with the City Council whether or not officers of the city, except the Mayor and members of the City Council, shall be elected, or appointed by the City Council with the approval of the Mayor.
Terms of office.	Sec. 5. That the terms of office of all city officers except members of the City Council shall be one year from the date of their election, and until their successors are elected and qualified, but the terms of office of the Councilmen shall be two years from the date of their election, and each of the present Councilmen of the city shall continue in office until the expiration of the term for which he was elected. Vacancies in the City Council and in all other municipal offices shall be filled by the City Council with the approval of the Mayor. The salaries or compensation of officers of the city shall be fixed by the City Council; provided, that members of the City Council shall themselves receive no salary, or compensation, and no Councilman shall be eligible to any other city office during the time he is city Councilman.
Compensation.	
Powers and duties.	Sec. 6. That unless otherwise provided herein, or otherwise provided by an ordinance of the city, the powers and duties of all officers of the city shall be the same as those prescribed by the laws of Florida regulating the government of municipalities, and the several officers of the city are hereby vested with all such powers and duties.
Election.	Sec. 7. That the City Council shall provide by ordinances the mode of conducting all city elections, for the proper registration of voters, and for the certifying of the returns of any elections held in the city; Provided, that every person shall be entitled to register who will be entitled to vote by virtue of length of residence at the time of the next ensuing election, and that non-payment of poll-tax shall not disqualify persons from voting at city elections.
Qualifications for voting.	

Sec. 8. That all ordinances of the City of West Tampa now in force and not in conflict with the provisions of this act shall be and are hereby ratified and confirmed as valid ordinances of the said city; and all assessments on property for taxes or paving or improving streets heretofore made are hereby ratified and confirmed and shall constitute liens upon the property assessed, which shall be capable of enforcement as herein provided.

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Former ordi-
nances.

Sec. 9. No assessment of real property within the city for taxation, or other assessment for any municipal improvement, shall be deemed invalid by reason of any mistake, omission, defect or irregularity or by reason of any error in the description of the owner of the property or failure to describe the owner, if the assessment describes the property assessed with sufficient certainty to render it capable of identification, and indicates the amount of taxes or assessment due thereon, provided the amount of taxes or other assessment assessed against such property is no greater than would have been assessed but for such mistake, omission, defect or irregularity. The city shall have a lien on all property for the taxes assessed thereon, and for other municipal assessments made in pursuance of law or the ordinances of the city, and may enforce such liens in equity, in which event the costs of such proceedings, together with a reasonable attorney's fee, shall be charged against the property, and in any proceedings for the enforcement of city taxes or other assessments, a certified copy of the assessment against any parcel of land, certified by the assessor and collector of taxes, shall be admissible in evidence without other proof, and shall be prima facie evidence that the amount thereby shown to be due is due the city for unpaid taxes, or other assessment, and that the city has a lien upon the premises therein described for such amount, together with interest and costs; and it shall be sufficient in any pleading to aver the existence of such assessment and that the same is unpaid, without averring any of the proceedings leading up to or prior to the assessment.

Sec. 10. This act shall take effect and be in force from and after the date of its passage and approval by the Governor.

Approved April 24, 1907.

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CHAPTER 5868—(No. 273).

AN ACT to Declare the Town of Wildwood, in Sumter County, an Incorporated Town; to Legalize the Incorporation of Said Town; To Validate the Ordinances Thereof; And to Empower Said Town to Make Assessments of Property Therein; And to Fix the Valuation of Property for Assessment and to Authorize Said Town to Provide the Manner of Collection of Its Taxes.

Be it Enacted by the Legislature of the State of Florida:

Incorporation Section 1. That the Town of Wildwood, in Sumter County, Florida, heretofore incorporated under the General Statutes of the State of Florida, be and the same is hereby declared to be a legally incorporated town in all respects with all the privileges incident thereto, under the General Statutes of the State of Florida, for incorporating municipalities.

Territorial boundaries. Sec. 2. Be it further enacted by the Legislature, that until changed in compliance of said General Laws the boundaries of the said municipality of Wildwood shall be as follows, to-wit: Beginning at the northeast corner of the northeast quarter of the southeast quarter of Section 6, Township 19, Range 23 east, running west $\frac{1}{4}$ of a mile to the northwest corner of the northwest quarter of the southeast quarter of Section 6, Township 19, Range 23, thence south $\frac{3}{4}$ of a mile to the southwest corner of the northwest quarter of the northeast quarter of Section 7, Township 19, Range 23, thence east $\frac{3}{4}$ of a mile to the southeast corner of the northwest quarter of the northwest quarter of Section 8, Township 19, Range 23, thence north $\frac{3}{4}$ of a mile to the northeast corner of the northwest quarter of the southwest quarter of Section 5, Township 19, Range 23, thence west $\frac{1}{4}$ of a mile to the place of beginning.

Assessments. Sec. 3. That said town of Wildwood shall have the full power to make its own assessment of taxes upon property situated in said town, and for this purpose to fix the valuation of said property by its proper officers without regard to the valuation fixed thereon by the State or county officers charged with the assessment of property

for taxation, and that the said town of Wildwood may prescribe by proper ordinances the time for the collection of taxes for said municipality.

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Sec. 4. That all ordinances heretofore passed and all acts done by the Town Council and Mayor of the said town of Wildwood are hereby declared of full force and validity.

Former ordinances.

Sec. 5. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved May 11, 1907.

CHAPTER 5869—(No. 274).

AN ACT to Extend the Time Limit Within Which the Charlotte Harbor and Northern Railway Company is Required to Complete the Construction of Its Road.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the time limit for completing the construction of the Charlotte Harbor and Northern Railway Company from Boca Grande in Lee County, Florida, to Plant City in Hillsborough County, Florida, be and the same is hereby extended until the first day of July, A. D. 1910; Provided, however, that this extension shall not be construed as carrying with it any land grant.

Time extended.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved May 27, 1907.

RESOLUTIONS

(No. 1.)

A JOINT RESOLUTION Proposing an Amendment to Section Nine (9) of Article Five (5) of the Constitution of Florida Relating to Judicial Salaries.

Be it Resolved by the Legislature of the State of Florida:

That Section Nine (9) of Article Five (5) of the Constitution of the State of Florida be and the same is hereby amended so as to read as follows, viz:

Section Nine (9). The salaries of Justices of the Supreme Court, Circuit Judges and Judges of Criminal Courts of Record shall be fixed by the Legislature.

That the foregoing amendment of Section Nine (9) of Article Five (5) of the Constitution of Florida is hereby agreed to, and the same shall be submitted to the electors of the State for approval or rejection at the next general election of Representatives hereafter, as required by Section One (1) of Article Seventeen (17) of said Constitution. Amendment to Sec. 9 of Art. 5 of the Constitution.

Approved May 27, 1907.

(No. 2.)

JOINT RESOLUTION Proposing an Amendment to Article 12 of the Constitution of the State of Florida Relative to Education, to be Known as Section Sixteen of Said Article, Providing for the Levy of a Special Tax for the Support and Maintenance of the University of the State of Florida, the Florida Female College, the Institute for the Blind, Deaf and Dumb, and the Colored Normal School.

Be it Resolved by the Legislature of the State of Florida:

That the following Amendment to Article 12 of the Constitution of the State of Florida, to be known as Section

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Amendment
to Art. 12 of
the Constitu-
tion.

16 of said article be, and the same is, hereby agreed to and shall be submitted to the electors of the State at the next general election of Representatives, to be held in the year 1908, for ratification or rejection:

Special tax
for State In-
stitutions of
Learning.

Sec. 16. A special tax of one mill on the dollar of all taxable property in the State shall be levied annually for the support and maintenance of the University of the State of Florida, the Florida Female College, the Institute for the Blind, Deaf and Dumb and the Colored Normal School, which shall be paid into the State Treasurer and set apart by him to the credit of the State Board of Education to be apportioned and disposed of for the benefit of said institutions as required by the act creating and maintaining the same, known as Chapter 5384 of the Laws of Florida, approved June 5, 1905.

Approved June 3, 1907.

(No. 3.)

JOINT RESOLUTION Proposing an Amendment to Section Thirty-five of Article Five of the Constitution of Florida, Relating to Establishments of Courts.

Be It Resolved by the Legislature of the State of Florida:

Amendment
to Sec. 35 of
Art. 5 of the
Constitution.

That the following amendment to Section Thirty-five of Article Five of the Constitution of Florida is hereby agreed to and shall be proposed and submitted to the electors of the State for approval or rejection at the next general election hereafter, that is to say, said Section Thirty-five of said Article shall be amended so as to read as follows:

Courts.

Section 35. No courts other than herein specified shall be established in this State, except that the Legislature may provide for the creation and establishment of such additional Judicial Circuits as may from time to time become necessary, and for the appointment by the Governor and confirmation by the Senate of additional Circuit Judges therefor, whose terms of office and general jurisdiction shall be the same as is herein provided for

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the Circuit Judges herein already provided for, and may clothe any railroad commission with judicial powers in all matters connected with the functions of their office.

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Approved June 3, 1907.

(No. 4.)

HOUSE CONCURRENT RESOLUTION No. 19.

Whereas, The propagation and culture of oysters in the waters of the State of Florida has been very much neglected in the past, and,

Whereas, With our immense stretch of seacoast oyster culture could be carried on with great profit to the individual citizen, and could be made to return a large revenue to the State itself, and,

Whereas, We very much desire all the information possible to derive upon the subject of enacting legislation which will best promote the industry of oyster culture, protect and encourage the same; therefore

Be it Resolved by the House of Representatives, the Senate Concurring:

First:

That we hereby ask the Fish Commission of the United States to send to Tallahassee at the earliest practicable day, an expert in the matter of oyster culture in order that he may address the Legislature on the subject mentioned, and advise with us fully on the necessary and proper legislation in the premises.

Second:

That a copy of this resolution be sent to the Honorable Fish Commission at Washington, D. C., immediately upon its passage.

Approved May 1st, 1907.

SENATE CONCURRENT RESOLUTION.

Whereas, The Legislature of 1905 passed a concurrent resolution requesting the Attorney General to compile and have printed in pamphlet form all acts relating to public roads and duties of County Commissioners; and,

Whereas, The said resolution requires the Secretary of State to sell the said pamphlets for one dollar per copy; and,

Whereas, Said laws as compiled should be distributed to the County Commissioners and Clerks of the Circuit Court in the same manner that the General Statutes of the State of Florida and session laws are now distributed; therefore,

Be it Resolved by the Legislature of the State of Florida :

Acts relating
to public
roads and
duties of
County Com-
missioners.

That the Secretary of State is hereby authorized, and directed to furnish one copy of the pamphlet, containing the acts relating to public roads and duties of County Commissioners, to the Clerk of the Circuit Court and each member of the Board of County Commissioners of the several counties in this State free of charge, in the same manner that the General Statutes of the State of Florida and session laws are furnished county officers.

Resolved further, That each Clerk of the Circuit Court and County Commissioner receiving a copy of said pamphlet under the provisions of this resolution are hereby required to transmit the same to their successors in office.

Approved April 25, 1907.

SENATE CONCURRENT RESOLUTION NO. 11.

Resolved by the Senate, the House concurring, That a committee of three from the House and two from the Senate be appointed to visit the canal now under construction by the Florida Coast Line Canal and Transportation Company, from Biscayne Bay into the St. Johns River, and report to the present session of the Legislature upon the importance and progress of the work.

Approved May 7, 1907.

(No. 7.)

SENATE CONCURRENT RESOLUTION NO. 12.

Whereas, Throughout the State of Florida there seems to be a general demand that this Legislature shall enact some law having for its object the improvement of the roads of the several counties of the State; and

Whereas, There has been introduced into both the House and the Senate a number of bills with this object in view, and expressive of the various ideas of those introducing them,

In order, therefore, that the best features of all the bills introduced on this subject may be thoroughly considered and embraced in one general bill covering the subject of good roads; therefore, be it,

Resolved by the Senate, the House concurring, that the Committee on Roads and Highways of the Senate and the Committee on Roads and Highways in the House, be directed to act as a Joint Committee on Roads and Highways; said Joint Committee shall take under consideration all bills introduced into the Senate and House of Representatives on that subject and report by bill at their earliest convenience.

Resolved further, That all bills introduced on the subject of roads be referred to said Joint Committee.

Approved May 7, 1907.

CONCURRENT RESOLUTION NO. 14.

Be it Resolved by the Senate, the House of Representatives Concurring:

Whereas, The Democracy of the State of Florida is deeply sensitive of the tendencies of the National Government to drift apart from the letter and spirit of the Federal Constitution; and

Whereas, It is timely that the patriotism of the nation should be aroused to a realization of current affairs, that those conditions which gave this great nation its true force and effect may be perpetuated; and

Whereas, The necessity of local self-government is becoming more evident as the density of our population becomes more and more cosmopolitan; and

Whereas, The accumulation of interests that crowd the national halls of legislation and which, in many instances, receive little or no consideration whatever, demand the preservation of rights of the several States to pass upon individually—that government being best which is nearest the people; and

Whereas, This nation will, in 1908, pass upon the selection of men who will largely dictate the political interests of the State as a whole for the ensuing four years; therefore be it

W. J. Bryan
for Presi-
dent.

Resolved, That the selection of a President who can command the esteem of the people for his nobility of character, who is known for his patriotism, whose broadness of vision has stamped him as being first and foremost among the nation's statesmen, is the one great consideration of this country; and that, pre-eminently above all others stands the one steady, resolute, irreproachable, unimpeachable, brilliant disciple of Jeffersonian Democracy and Democratic principles, who, to the wonder of both contending parties, has so forcibly expounded the Jeffersonian principles as to convince, not politicians, but true statesmen in both parties that these very principles are the safest and best to be followed at

this critical period of our Government; and this man is William J. Bryan, whom we commend to the National Democratic Convention as the Standard Bearer of Democracy in 1908.

Approved May 15, 1907.

(No. 9.)

SENATE CONCURRENT RESOLUTION NO. 19.

Whereas, The Interstate Commerce Commission under the present law has no power to correct unjust and unreasonable freight and passenger rates on interstate freight and passenger traffic, upon its own initiative; and

Whereas, Said Commission lacks power to prohibit railroads and express companies from increasing and existing rate, without consent of the said commission; and

Whereas, The said commission has no power to prescribe a uniform classification of freight and passenger rates; and

Whereas, The present Interstate Commerce Commission laws do not give the Interstate Commerce Commission power to cause a just valuation of railroads in order to have a true basis for fixing railway rates; and

Whereas, It is for the best interest of the people of the State of Florida, that the powers of the Interstate Commerce Commission be so enlarged and extended as to give to said Commission power to correct unreasonable rates; to prohibit railroads and express companies from increasing existing rates without the consent of the Commission; to authorize the said Commission to prescribe a uniform classification of freight and express rates; and to cause a just valuation of railroads for the purpose of fixing a true basis for fixing railway rates.

Therefore be it Resolved by the Senate, the House of Representatives Concurring:

Section 1. That the Senators and Representatives of Florida in the Congress of the United States be, and they

1907.

Needed power
of the Inter-
state Com-
merce Commis-
sion.

are hereby requested to favor and urge such legislation in Congress as will give the Interstate Commerce Commission power to correct unjust and unreasonable rates, upon its own initiative; to prohibit railroad and express companies from increasing an existing rate without the consent of said Commission; to prescribe a uniform classification of freight and express rates; and to also cause a just valuation of railroads in order to have a true basis for fixing railway rates.

Sec. 2. That the Secretary of State is requested to send each member of Congress from this State a copy of this resolution.

Approved June 3, 1907.

MEMORIALS

(No. 1.)

A MEMORIAL to the Congress of the United States Asking That the Military Department of this State be Furnished With Copies of All Rolls or Records on File in the Several Departments at Washington Which Show the Service Performed by Florida Soldiers in the Several Wars in Which They Have Engaged.

Whereas, It is of great importance to the people of this State that as perfect a record as possible be preserved of the services performed by our soldiers in the several wars in which they have engaged, in order that the military history of the commonwealth may be complete and that the names and fame of those of Florida's sons who have served her faithfully and valiantly upon the field of battle may be perpetuated; and

Whereas, The records now on file in the State military department are very incomplete;

Be it Resolved by the Legislature of the State of Florida:

That our Senators and Members in the House of Representatives in the Congress of the United States be and they are hereby most earnestly requested to prepare and submit to Congress and endeavor to secure the passage of an act authorizing and directing the proper departments of the Government at Washington to furnish to the Adjutant General's Office of this State copies of all rolls which may be deposited or recorded in such departments at Washington showing the names of those who served in organizations from this State in any of the wars in which Florida soldiers were engaged, including the Mexican War, Indian Wars in Florida and the War between the States; Provided, however, that this resolution shall not be understood to refer to the recent war with Spain, as the State's records are in that respect complete.

Records, etc., of
Florida soldiers.

1907.

Resolved, further, That the Secretary of State be and he is hereby directed to cause copies of this Memorial to be sent to each of our Senators and Representatives in Congress.

Approved May 7, 1907.

(No. 2.)

A MEMORIAL to the Congress of the United States Requesting an appropriation for Black Water Bay and Black Water River in Santa Rosa County, Florida.

Whereas, The increasing population and growing commercial interests of Black Water River and tributaries are capable of great improvement by increased depth of Black Water Bay and Black Water River, and

Whereas, The benefits of the small appropriations by the General Government have been of material benefit to the commerce of the aforesaid river and tributaries, therefore,

Be it Resolved by the Legislature of the State of Florida:

Black Water
Bay and Black
Water River.

That our Senators and Representatives in the Congress of the United States be requested to use every honorable means to procure an appropriation of at least one hundred thousand dollars for the purpose of deepening the channel of Black Water Bay and Black Water River, from Escambia Bay to the town of Milton, in Santa Rosa County, Florida, and for the erection of two beacon lights, one to be opposite Bay Point Saw Mill and the other opposite Shield's Point on the east side of said river.

Resolved further, That the Secretary of State be directed to furnish each of our Senators and Representatives in Congress a copy of this memorial, under the great seal of the State.

Approved May 7, 1907.

(No. 3.)

1907.

A. MEMORIAL to Congress Asking for a Survey of a Canal Route Across the Peninsula of Florida from the Atlantic Ocean to the Gulf of Mexico by Way of the St. Johns River up to the Mouth of the Wekiva River, thence to Lake Eustis, Lake Harris, Lake Dunham, Chitta Chatta, Lake Okahumpka, Clay Drean, north side of Panasoffkee Lake, Dead River (commonly called Outlet) into the Withlacoochee River to some suitable point on the Gulf of Mexico.

Be it Resolved by the Legislature of the State of Florida:

Section 1. That our Senators and Representatives in Congress be requested to use their efforts to procure an appropriation by Congress for the purpose of a survey of a route for a ship canal across the Peninsula of Florida, via the St. Johns River up to the mouth of the Wekiva River, thence to Lake Eustis, Lake Harris, Lake Dunham, Chitta Chatta, Lake Okahumpka, Clay Drean, north side of Panasoffkee Lake, Dead River (commonly called Outlet) into the Withlacoochee River to some suitable point on the Gulf of Mexico.

Survey of route for ship canal across the peninsula of Florida.

Sec. 2. That the Secretary of State be requested to furnish each of our Senators and Representatives in Congress with a certified copy of this memorial.

Approved May 7, 1907.

(No. 4.)

MEMORIAL to the Congress of the United States Asking That the Homesteaders in the Storm District of Dade County, Florida, be Permitted to Have and to Use All the Timber That was Blown Down on Their Respective Homesteads by the Storm That Passed Over That Section of Florida on the 13th day of October, 1906.

Whereas, On the 13th day of October, 1906, a destructive storm passing through certain portions of Dade

1907.

County, Florida, felling about one-fourth of the entire body of timber situated in its path, destroying houses, killing people and rendering many of the homesteaders destitute; and

Whereas, The great quantity of timber that is now on the ground on these homesteads is of no value to any one in its present condition, and will either be burned up or decay if allowed to remain; therefore,

Be it Resolved by the Legislature of the State of Florida:

Use of timber
blown down in
Dade county.

That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of a law allowing the homesteaders living in the section affected by the storm to have and use all timber that is now on the ground on their respective homesteads free of any costs whatever.

Resolved further, That the Secretary of State cause copies of this resolution to be sent to each of our Senators and Representatives in Congress.

Approved May 7, 1907.

(No. 5.)

A MEMORIAL to the Congress of the United States Asking for an Appropriation for Holmes River, in Washington County, Florida.

Whereas, The increasing population and the growing commercial interest of Holmes River is susceptible of improvement so as to render it navigable for deeper draft vessels, and

Whereas, The commerce of said river would be greatly increased and the territory adjacent thereto would be vastly benefited by improving the navigation of said river; therefore

Be it Resolved by the Legislature of the State of Florida:

That the Senators and Representatives of Florida in Congress of the United States be requested to bring the

1907.

above facts to the attention of Congress and to use their utmost endeavors to secure an appropriation of fifty thousand dollars for the purpose of dredging and clearing the channel of said Holmes River from its mouth, where it empties into the Choctawhatchee River up to the town of Vernon, Washington County, Florida; be it further

Channel in
Holmes River

Resolved, That the Secretary of State be directed to supply each of our Senators and Representatives in Congress with a copy of this Memorial, under the great seal of the State of Florida.

Approved May 22, 1907.

(No. 6.)

A MEMORIAL to the Congress of the United States Asking an Appropriation to Improve the Navigation of the Upper St. Johns River Between Sanford and Lake Peinsett.

Whereas, The upper St. Johns River between Sanford and Lake Peinsett is greatly in need of improvement in order to provide the thriving settlements bordering said river with transportation and sufficient navigation to accommodate their growing commerce; therefore

Be it Resolved by the Legislature of the State of Florida:

That our Senators and Representatives in Congress be requested to use their best efforts to secure an appropriation from the general Government for the purpose of having a preliminary survey made of said part of the upper St. Johns River; be it further

Navigation of
upper St. Johns
River.

Resolved, That the Secretary of State of the State of Florida be requested to furnish each of the Senators and Representatives aforesaid a certified copy of this Memorial.

Approved May 22, 1907.

LAWS OF FLORIDA.

(No. 7.)

MEMORIAL to Congress Asking That an Appropriation be Made for Surveying and Deepening the Entrance to St. Lucie River, Florida.

Whereas, The St. Lucie River, on the East Coast of Florida, is a large body of water averaging about twenty feet deep from the railroad to the inlet, a distance of about six (6) miles, and has emptying into said river the waters of the Indian River, which flows down the east coast of Florida for over one hundred miles; and

Whereas, The increasing population and the growing commercial interests along the line of said rivers and the territory adjacent thereto would be greatly benefited by improving the entrance to said St. Lucie River from the Atlantic Ocean, in order that deeper draught boats could enter, not only for commercial purposes but as a harbor of refuge in case of storms on the east coast of Florida.

Therefore be it Resolved by the Legislature of the State of Florida:

Survey of St
Lucie River,

That the Congress of the United States is hereby requested to have a survey made of the St. Lucie River from the railroad to the Atlantic Ocean, with a view of ascertaining what improvements are necessary, and cost of same, for the commerce of said river.

Resolved further, That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of a bill appropriating money sufficient to carry out the purposes of this memorial.

That the Secretary of State be directed to supply each of our Senators and Representatives in Congress a copy of this Memorial under the great seal of the State of Florida.

Approved May 22, 1907.

LAWS OF FLORIDA.

(No. 8.)

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A MEMORIAL to the Congress of the United States Asking an Appropriation for the Improvement of the Navigation of the St. Johns River Between Jacksonville and Sanford.

Whereas, The navigation of the St. Johns River between Jacksonville and Sanford is seriously impeded by several bars or shoals that prevent the passage of vessels now plying said river if loaded to their full capacity or beyond a depth of about three feet at low tide; and

Navigation of
St. Johns River
between Jack-
sonville and
Sanford.

Whereas, The present commerce of said river urgently demands a deeper channel and the continuous improvement thereof, and amply justifies a considerable expenditure of money to that end; therefore,

Be it Resolved by the Legislature of the State of Florida:

That it is of vital importance to the commerce of the State of Florida that the Congress of the United States shall make an appropriation sufficient for the permanent improvement of said river.

Resolved further, That our Senators and Representatives in Congress be urged to secure the passage of the legislation necessary to accomplish this object; be it further

Resolved, That the Secretary of State of the State of Florida be requested to furnish each of the Senators and Representatives aforesaid a certified copy of this Memorial.

Approved May 22, 1907.

LAWS OF FLORIDA,

(No. 9.)

A MEMORIAL to the Congress of the United States in Regard to Legislation Authorizing the State of Florida to Make an Official Survey of all Unsurveyed Lands Patented by the United States to the State.

Whereas, Large portions of the State of Florida remain unsurveyed and the United States Government has declined to make said surveys for the reason that the greater part of unsurveyed lands have been patented to the State; and

Whereas, It is doubtful whether a survey undertaken by the State without the consent and authority of the United States would be properly deemed an official survey; therefore

Be it Resolved by the Legislature of the State of Florida:

Authority to
survey unsurveyed
U.S. land
in Florida-

That the Congress of the United States be requested to pass an act authorizing the State of Florida to survey all lands within the State that may have been unsurveyed by the United States at the date of patent of same to the State.

Resolved further, That our Senators and Representatives in Congress be requested to urge upon Congress the importance to the State of such legislation; be it

Resolved further, That the Secretary of State of the State of Florida be requested to furnish each of the Senators and Representatives aforesaid a certified copy of this Memorial.

Approved May 22, 1907.

CONGRESSIONAL MEMORIAL NO. 13.

Asking that Congress to Provide for a Further Investigation of the Hyacinth Problem on the St. Johns River, and to Make the Necessary Appropriations Therefor.

To the Congress of the United States:

Whereas, The navigable streams of the country are national highways, and

Whereas, The St. Johns River, in this State, above the city of Jacksonville, together with its tributaries, is so obstructed with water hyacinths that navigation is seriously impeded, and in some instances rendered impossible, and

Whereas, The appropriation of \$35,000 hitherto made by your honorable body for the purpose of destroying said water hyacinths by a process of spraying is exhausted, and

Whereas, Said spraying process has proved inadequate and unsatisfactory; therefore

Be it Resolved by the House of Representatives of the State of Florida, the Senate concurring,

That your honorable body be and hereby is requested to take such steps as may be necessary to bring about a further investigation of the conditions above set forth; and be it further

Hyacinth problem on the St. Johns River.

Resolved, That your honorable body be and is hereby requested to make such an appropriation as may be necessary to equip a steamer with grappling irons, or some similar mechanical appliance by which said water hyacinths may be removed from said St. Johns River and its tributaries and deposited upon the banks thereof; and be it further

Resolved, That our Senators and Representatives in Congress be and they are hereby requested to do all in

1907.

their power to bring about said investigation and secure said appropriation; be it further

Resolved, That the Secretary of State be and he is hereby directed to forward to the Congress of the United States and to each of our Senators and Representatives in Congress a copy of this Memorial. All of which is respectfully submitted.

Approved May 21, 1907.

(No. 11.)

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES OF AMERICA.

Whereas, The act of Congress allowing the purchase of not more than 160 acres of land under what is known as the Timber and Stone act is against the best interest of the people of this State, as it is only benefiting those engaged in the turpentine and timber industry; therefore, be it

Timber and
Stone Act

Resolved, By the Legislature of the State of Florida, that we do ask our Senators and Representatives in Congress to use their every effort and influence to have the Timber and Stone Act repealed.

Resolved further, That a copy of this Memorial be forwarded to each of our Senators and Representatives in Congress.

Approved May 22, 1907.

(No. 12.)

A MEMORIAL to the Congress of the United States Requesting the Construction of a Sea Wall Upon Santa Rosa Island.

Whereas, The storm of September 26th and 27th A. D. 1906, affecting especially the western part of the State

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of Florida, caused the waters of the Gulf of Mexico to break over and through Santa Rosa Island, making several breaks through said island, thereby removing the barrier which had heretofore protected the coast of the mainland from the high tide waters of the said Gulf of Mexico; and

Whereas, Since said break, at each high tide in the said Gulf of Mexico the waters of the said gulf pass over said island and through said breaks, causing the tide upon the mainland adjacent thereto to rise much higher than before said storm, doing great damage to the property upon said mainland; therefore,

Be it Resolved by the Legislature of the State of Florida:

That our Representatives in the Congress of the United States be and they are hereby respectfully requested to use their best efforts to secure the building by the United State Government of such structure, wall or walls upon the said island as will prevent such overflow of the tide waters; be it further

Barriers to protect Santa Rosa Island from high tide waters.

Resolved, That the Secretary of State of the State of Florida be directed to supply to each of our Senators and Representatives in Congress a copy of this Memorial, under the great seal of the State of Florida.

Approved June 3, 1907.

(No. 13.)

A MEMORIAL to the Congress of the United States, Asking an Appropriation for the Deepening and Improvement of the Bar at New Smyrna Inlet, and the Deepening of the Waters of the North Indian and Halifax Rivers.

Whereas, New Smyrna Inlet, in Volusia County, Florida, an entrance from the Atlantic Ocean, and affording a depth of water at high tide on the bar of from nine to thirteen feet depending upon prevailing winds, said In-

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1907.

let permitting water communication and commercial relations with the cities of New Smyrna and Daytona in the aforesaid county, has at no time in the past received Federal appropriations, whereby the country adjacent and the inhabitants thereof would receive the great benefits of coastwise transportation with other seaport cities in the exportation of naval stores and other products, and

Whereas, The opening of the navigable waters from St. Augustine to Miami, affording an inland waterway for several hundred miles, thereby providing a desirable and cheap method of reaching all towns along the Indian River, also reaching by railway transportation the interior cities and towns of the adjacent country, thereby providing competition with the Florida East Coast Railway, the only available route now of receiving and shipping merchandise from northern points, is desired; therefore, be it

Appropriation asked for to jetty New Smyrna Inlet and improve certain waterways.

Resolved, That the Legislature of the State of Florida do therefore memorialize Congress to take such action as will secure the residents of the section of country before mentioned a suitable and sufficient appropriation as will be necessary to jetty the New Smyrna Inlet and improve the waterways sufficiently to secure satisfactory transportation between said Inlet and the cities of New Smyrna and Daytona and other seaboard cities.

Approved June 3, 1907.

Whereas, It is to the interest of the people of the State of Florida that the transportation companies operating railroads in Florida and doing interstate business to and from Florida should establish car load rates for transportation of the fruits and products shipped from points in Florida to eastern markets; and,

Whereas, This is a matter that can only be dealt with by Congress of the United States or the Interstate Commerce Commission; therefore,

Be it Resolved by the House of Representatives, the Senate Concurring:

Section 1. That the Interstate Commerce Commission ^{Carload rate.} be earnestly requested to take definite and positive action requiring all railroads doing interstate business to establish a carload rate on all Florida fruits and products, from loading points to all eastern markets, where package rates are now in effect.

Sec. 2. That said Commission make a regulation that a ^{Minimum carload rate.} minimum carload of Florida fruits and vegetables shall consist of twenty thousand pounds from loading points to all markets of the country.

Sec. 3. That a uniform carload rate shall be made and ^{Uniform carload rate.} effected immediately of five cents per one hundred pounds per one hundred miles on all Florida fruits and vegetables, to all markets of the country.

Sec. 4. That said Commission make a regulation that ^{Refrigeration.} when Florida products move under refrigeration, the equipment shall be adapted to the load and there shall be no charge for under weight when the carrying capacity will not possibly refrigerate contents from loading point to destination.

Sec. 5. That said Commission adopt and put into effect a rate of one dollar (\$1.80) and eighty cents per thirty-two quart crate of strawberries with a minimum of one (100) hundred crates per car, from Starke, Florida, to New York City.

1907.

Sec. 6. The Secretary of State is requested to send to the Secretary of the Interstate Commerce Commission a certified copy hereof, and request that same be brought to the attention of the Commission.

Approved May 27, 1907.

(No. 15.)

Whereas, It is generally conceded by the public throughout the extent of the United States that the improvements of river harbor inland waterways should be increased and fostered by the General Government, and that it is a fact that the railroad facilities of the country are inadequate to the task of ready and quick transportation of the products of the country, and

Whereas, There is a universal desire that there be a waterway suitable for coastwise boats, both steam and sail, across the peninsula of Florida, affording passage and floatage for such vessels from the Gulf of Mexico to the Atlantic Ocean, thereby avoiding perilous voyage around the dangerous Florida reefs, and

Whereas, Such waterway should be, as far as possible, on a tidewater level, and that there is no point eligible or practical for such tidewater level except a point leading through the Caloosahatchee River and into and through Lake Okeechobee; therefore,

Be it Resolved by the Legislature of the State of Florida:

Improving and
deepening Ca-
loosahatchee
River.

That Representatives Sparkman of the First Congressional District, Frank Clark of the Second District and W. B. Lamar of the Third District, Senators Mallory and Taliaferro be requested to communicate with Senator Burton, President of the Commission appointed by Congress to examine into all matters pertaining to rivers and harbors and inland waterways, and to exercise their influence to induce said Senator Burton and the members of his Commission to examine into the merits and great need of the above mentioned waterway, and to the great necessity of improving by deepening the Caloosahatchee River

from its mouth to its head, and to straighten it in many places to meet immediate demand for transportation of products, and for the improvement of the United States mail service; be it further

Resolved, That the above mentioned Senators and Representatives be furnished with a copy of this resolution by the Secretary of State, with the great seal of the State of Florida affixed, and that they shall not be confined to communication with Senator Burton only, but urge the matter before the Congress of these United States and before the regular Committee of Rivers and Harbors.

Approved June 3, 1907.

APPENDIX

REPORT OF THE COMPTROLLER

RECEIPTS AND DISBURSEMENTS, 1905.

RECEIPTS.

Comptroller's Balance January 1, 1905	\$ 499,797.95
General Revenue Fund.....	\$608,314.24
General School 1 Mill Fund....	119,040.72
State Board of Health Fund...	55,258.92
Pension Tax Fund.....	342,847.88
Hire of State Convicts Fund..	166,544.61
Common School Fund, Principal	32,648.57
Common School Fund, Interest.	33,632.00
Seminary Fund, Principal.....	942.72
Seminary Fund, Interest	3,969.00
Experiment Station Fund.....	15,001.69
Experiment Station Incidental Fund	1,618.32
Agricultural College Fund....	4,996.63
White College Morrill Fund....	18,216.67
Colored College Morrill Fund..	14,701.99
Fla. Agricultural Institute, Kissimmee	3,963.85
College Property Fund.....	569.33
Fla. Female College Incidental Fund.....	1,588.25
University Gainesville Donation	40,222.22
University, Mess Hall Fund...	8,270.04
South Fla. Military College (current expense).....	617.23
University Incidental Fund....	1,824.31
Colored Normal School Contingent Fund	285.27—\$1,475,074.46
	<hr/> \$1,974,872.41

DISBURSEMENTS.

(Warrants Issued.)

General Revenue Fund.....	\$769,869.12
General School I Mill Fund....	118,041.81
State Board of Health Fund..	63,059.87
Pension Tax Fund.....	273,855.84
Hire of State Convicts Fund...	244,646.50
Common School Fund, Principal	35,636.63
Common School Fund, Interest	33,412.40
Seminary Fund, Principal.....	966.89
Seminary Fund, Interest	992.25
Experiment Station Fund	13,101.95
Experiment Station Incidental Fund	1,341.44
Agricultural College Fund.....	3,969.52
White College Morrill Fund..	10,534.28
Colored College Morrill Fund..	6,351.87
Fla. Female College Incidental Fund	542.81
University Incidental Fund ...	1,132.22
University Mess Hall Fund....	8,270.04
South Fla. Military College (current expenses)	617.23
Colored Normal School Contingent Fund	114.55—\$1,586,457.22
Comptroller's Balance, January 1, 1906	\$388,415.19
Warrants Outstanding January 1, 1906	13,395.96

Balance in Treasury January 1, 1906 \$401,811.15

The Comptroller's balance is distributed among the different funds as follows:

General Revenue Fund.....	\$127,863.44
General School One Mill Tax	7,721.44
State Board of Health Tax.....	58,195.65
Pension Fund Tax	76,363.10
Hire of State Convicts Fund.....	6,068.45
Common School Fund, Principal.....	441.26
Common School Fund, Interest	16,898.87

Seminary Fund Interest	3,963.00
Experiment Station Fund	1,899.74
Agricultural College Fund	1,027.11
White College Morrill Fund	7,682.39
Colored College Morrill Fund	8,350.12
College Property Fund	569.33
Florida Female College Incidental Fund.....	1,045.44
University, Gainesville Donation.....	40,222.22
Experiment Station Incidental Fund.....	276.88
University Incidental Fund	692.09
Colored Normal School Contingent Fund	170.72
Fla. Agricultural Institute, Kissimmee.....	3,963.85
Indian War Claim Fund.....	25,000.00
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	\$388,415.19

ABSTRACT OF GENERAL REVENUE FUND.

RECEINTS IN 1905.

Balance in Fund January 1, 1905.....	\$289,418.32
Taxes of 1905.....	2,687.88
Taxes of 1904.....	54,334.85
Taxes of 1903.....	415.48
General License Tax	296,561.56
Insurance Companies License Tax.....	21,050.00
Insurance Agents License Tax.....	13,844.50
Insurance Companies Premium Tax	63,743.33
Interest on Deposits in 1905.....	9,489.39
Delinquent Settlements of County Officers....	48.27
Tax Certificate Proceeds from Comptroller...	14,064.78
Expense of Tax Sale Certificates	6,809.25
Interest on Tax Certificates	25,236.63
Corporation Charter Tax	26,144.00
Tax on Commissions	2,614.00
Sleeping Car Tax	1,096.32
Southern Express Co. license Tax	1,250.00
Telegraph Company License Tax	1,500.00
Sale of Fertilizer Stamps, Dept. Agriculture..	26,687.89
Sale of Confiscated Fertilizer	24.77
Sale of Feedstuff Stamps, Dept. Agriculture..	4,846.97
One Mill Tax on Main St. Ry., Jacksonville...	122.50
Back Taxes on Fla. Ry. & Navigation Co.....	31,720.90

Fines under Military Code.....	25.00
Refund on Transportation Fla. State Troops to Manassa, Va., by U. S. Government.....	1,074.23
Automobile Registration Tax	258.00
Chauffeur Registration Tax.....	40.00
Auction Tax.....	57.30
Sale of Supreme Court Reports.....	2,000.00
Acts of the Legislature.....	137.00
Revised Statutes	36.00
Justice Manuals	4.00
Classifications by R. R. Commissioners	29.85
Copies of Files by R. R. Commissioners.....	10.00
Blank Books sold by R. R. Commissioners.....	3.75
Old Typewriter sold by R. R. Commissioners..	15.00
Copy of Testimony sold by R. R. Commis- sioners	1.50
Revenue Refunded	3.02
Refunded on Graded Schools.....	200.00
Unearned Insurance Premiums Refunded.....	118.22
Sale of Record of Florida Soldiers.....	5.00
Old Matting Sold	1.90
Old Gas Fixtures sold	1.00
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	\$897,732.36

DISBURSEMENTS IN 1905.

Revenue Refunded	\$ 386.09
Interest on Bonded Debt	18,047.00
Confederate Soldiers Home	1,579.42
Printing Delinquent Tax Lists	2,697.60
Insurance on State Buildings	4,519.26
General Printing and Advertising	22,654.96
Salaries Executive Department	18,970.83
Salaries Clerks Administrative Department..	26,693.30
Stationery Executive and Legislative Depart- ment	1,553.82
Expenses Collection of Revenue	51,236.01
Lists of State and U. S. Land Entries	521.00
Traveling Expenses State Auditor	301.64
Salary of State Auditor and Clerk	3,200.00
Rewards for and arrest of fugitives	803.00
Contingent Expenses of State	4,034.42
Maintenance of Lunatics	93,904.90
Engineer and Gardener for Capitol	600.00

Repairs and other expenses at Capitol.....	1,031.26
Watchman at Capitol	780.00
Janitors at Capitol	770.00
Salaries of Judicial Department	57,351.00
Jarors and Witnesses	75,680.58
Clerk of Supreme Court as Librarian	300.00
Clerk of Supreme Court, per diem.....	939.00
Janitor of Supreme Court	900.00
Messenger of Supreme Court	360.00
Secfetary to Supreme Court Justices.....	1,650.00
Contingent Expenses of Supreme Court.....	2,399.24
Purchase of Books for Supreme Court Library	787.45
Sheriff to Supreme Court, per diem	82.00
Printing Supreme Court Reports	826.80
Reprinting Supreme Court Reports	60.00
Costs adjudged against the State in Civil Cases	12.00
Expenses Circuit Judges sitting in other Cir- suits	189.56
Salaries and Expenses of R. R. Commissioners	12,969.89
Postage and Stationery, Agricultural Depart- ment.....	1,210.41
Printing for Agricultural Department	1,412.16
Incidental Expenses of Agricultural Depart- ment	209.55
Expenses of Legislature of 1903	195.00
Expenses of Legislature of 1905.....	3,375.20
Salary of State Chemist	2,000.00
Chemicals and Apparatus, State Chemist.....	984.10
Traveling Expenses of State Chemist	642.56
Improvements and Additions to Laboratory..	20.00
Salary of Assistant State Chemist	1,950.00
Expenses of Florida State Troops.....	11,303.38
Salary of Adjutant General	2,000.00
Traveling Expenses of Supt. Public Instruc- tion.....	271.95
East Florida Seminary, current expenses....	14,996.48
Florida State College, current expenses	35,094.58
State Normal College, DeFuniak Springs	11,609.96
University of Florida, current expenses.....	8,490.64
Normal School (colored) Tallahassee	506.13
South Fla. Military College, current expenses	8,931.93
South Fla. Military College, Improvements..	2,821.52
Refund on Liquor Licenses	2,545.10
St. Petersburg Normal & Industrial School...	5,526.67

Florida School for Blind, Deaf and Dumb....	9,075.06
Salary of Assistant State Auditor	431.32
Traveling Expenses of Assistant State Audi- tor	258.98
Teachers Summer Training School	2,119.00
Publishing Acts of Legislature	4,500.00
Revision of Statutes	1,259.60
Uniform System of Public Schools	48,760.00
Encampment of Florida State Troops	3,208.36
History of Florida Soldiers	2,362.00
Postage, Printing and Contingent Expenses Superintendent of Public Instruction	1,558.24
Postage, Express and Telegrams Secretary of State	340.71
Express and Telegrams, Agricultural Depart- ment	208.39
Fuel, Lights and Water at Capitol	1,852.54
Expenses of Presidential Electors.....	349.80
Special Acts for relief of J. Y. Detwiler.....	300.00
Special Act for the relief of Jno. A. Peace....	485.40
Payment of Florida 6 per cent. Bond No. 786.	100.00
Adding Machine for Treasurer's Office.....	375.00
Adding Machine for State Auditor's Office....	375.00
Burglar Alarm for Treasurer's Office	900.00
Books and Book-Case for Attorney General's Office	258.00
Expenses of Legislature of 1905	75,790.08
General Statutes of State of Florida.....	6,109.20
State Census of 1905	21,036.13
Educational Fund	37,224.94
Incidental Expenses of Attorney General's Office	118.14
Maps for Agricultural Department	850.00
Traveling Expenses of Circuit Judges	472.72
Governor's Mansion Commission.....	61.75
Maintenance of Lunatics, Improvements	6,806.90
Traveling Expenses Inspector of Feed Stuff... ..	168.25
Salary of Inspector of Feed Stuff	97.50
Salary Additional Assistant State Chemist ..	166.67
West Florida Fair Association	2,000.00
Florida Mid-Winter Fair Association	15,000.00
Comptroller's Balance January 1, 1905.....	127,863.24
	<hr/>
	\$897,732.36

Comptroller's Balance January 1, 1906.....	\$127,863.24
Warrants Outstanding	8,284.74
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Treasurer's Balance January 1, 1906.....	\$136,147.98

ABSTRACT OF ACCOUNTS.

GENERAL REVENUE FUND.

Balance in Fund January 1st, 1905	\$289,418.32
Receipts from Jan. 1, to Dec. 31, 1905....	608,314.24
Warrants issued from Jan. 1, to Dec. 31, 1905	\$769,869.12
Balance in Fund Dec. 31, 1905.	127,863.44
	<hr/>

\$897,732.56 \$897,732.56

Balance in fund Jan. 1, 1906....	\$127,863.44
Warrants Outstanding	8,284.54
	<hr/>

Treasurer's balance Jan. 1, 1906.. \$136,147.98

GENERAL SCHOOL ONE MILL TAX

Balance in fund Jan. 1, 1905....	\$ 6,722.53
Receipts from Jan. 1, to Dec. 31, 1905	119,040.72
Warrants issued from Jan. 1, to Dec. 31, 1905	\$118,041.81
Balance in fund Dec. 31, 1905....	7,721.44
	<hr/>

\$125,763.25 \$125,763.25

Balance in fund Jan. 1, 1906....	\$ 7,721.44
Warrants Outstanding	2,684.22
Treasurer's Balance Jan. 1, 1906..	\$ 10,405.66

STATE BOARD OF HEALTH.

Balance in Fund Jan. 1, 1905...	\$ 65,996.60
Receipts from Jan. 1, to Dec. 31, 1905	55,258.92

Warrants issued from Jan. 1 to	
Dec. 31, 1905	\$ 63,059.87
Balance in fund Dec. 31, 1905...	58,195.65
	<hr/>
	\$121,255.52
	<hr/>

Balance in fund Jan. 1, 1906....	\$58,195.65
Warrants Outstanding	None

Treasurer's balance Jan. 1, 1906. \$58,195.65

PENSION FUND TAX.

1905.

Jan. 1—Balance in fund	\$ 7,371.15
Dec. 31—Receipts Jan. 1 to Dec. 31, 1905....	342,847.88
	<hr/>
	\$350,219.03

Warrants issued from Jan. 1 to Dec. 31, 1905.. \$273,855.84

1905.

Dec. 31—Balance in fund	\$ 76,363.19
Warrants Outstanding	1,444.48

1906.

Jan. 1—Balance in Treasury	\$ 77,807.67
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1905.

HIRE OF STATE CONVICTS FUND.

Jan. 1—Balance in fund	\$ 84,170.34
Dec. 31—Receipts Jan. 1 to Dec. 31, 1905....	166,544.61

\$250,714.95

Warrants issued from Jan. 1 to Dec. 31, 1905.. \$244,646.50

1905.

Dec. 31—Balance in fund	\$ 6,068.45
Warrants Outstanding	125.01

1906.

Jan. 1—Balance in Treasury	\$ 6,193.46
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1905.

COMMON SCHOOL PRINCIPAL.

Jan. 1—Balance in fund	\$ 3,429.32
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1906.

Dec. 31—Receipts Jan. 1 to Dec. 31, 1905....	32,648.57
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\$ 36,077.89

Bonds purchased from Jan. 1 to Dec. 31, 1905.. \$ 35,656.63

1905.

Dec. 31—Balance in fund	\$ 441.26
Jan. 1—Balance in Treasury	\$ 441.26

COMMON SCHOOL FUND, INTEREST.

1905.	
Jan. 1—Balance in fund	\$ 16,679.27
Dec. 31—Receipts Jan. 1 to Dec. 31, 1905....	33,632.00
	<hr/>
	\$ 50,311.27
Distribution by Warrants issued under appor-	
tionment by State Superintendent of	
Public Instruction from Jan. 1 to	
Dec. 31, 1905.....	\$ 33,412.40

1905.	
Dec. 31—Balance in fund	\$ 16,898.87
1906.	
Jan. 1—Balance in Treasury	\$ 16,898.87

SEMINARY FUND, PRINCIPAL.

1905.	
Jan. 1—Balance in fund	\$ 24.17
Dec. 31—Receipts from Jan. 1 to Dec. 31, 1905	942.72
	<hr/>
	\$ 966.89
Bonds purchased from Jan. 1 to Dec. 31, 1905...	\$ 966.89

SEMINARY FUND, INTEREST.

1905.	
Jan. 1—Balance in fund	\$ 986.25
Dec. 31—Receipts Jan. 1 to Dec. 31, 1905....	3,969.00
	<hr/>
	\$ 4,955.25
Distribution by Warrants, under law, from	
Jan. 1 to Dec. 31, 1905.....	992.25
1905.	
Dec. 31—Balance in fund	\$ 3,963.00
1906.	
Jan. 1—Balance in Treasury	\$ 3,963.00

EXPERIMENT STATION FUND.

1905.	
Jan. 1—To June 5, 1905, receipts, etc.....	\$ 7,501.69
June 5—To Dec. 31, 1905, receipts.....	7,500.00
	<hr/>
	\$ 15,001.69
51—G L	

Warrants issued from Jan. 1, to June 5	\$5,992.22	
Warrants issued from June 5, to Dec. 31	7,109.73	13,101.95

1905. Dec. 31—Balance in fund	\$ 1,899.74	
Warrants Outstanding		310.77

1906. Jan. 1—Balance in Treasury	\$ 2,210.51	
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AGRICULTURAL COLLEGE FUND.

1905. Jan. 1—to June 5, 1905, receipts, etc.....	\$ 2,499.63	
June 5—To Dec. 31, 1905, receipts.....	2,497.00	
		\$ 4,996.63

Warants issued from Jan. 1 to June 5,	\$2,373.79	
Warrants issued from June 5, to Dec. 31	1,595.73	\$ 3,969.52

1905. Dec. 31—Balance in fund	\$ 1,027.11	
1906. Jan. 1—Balance in Treasury	\$ 1,027.11	

WHITE COLLEGE MORRILL FUND,

1905. Jan. 1—To June 5, 1905, receipts, etc	\$ 5,709.07	
June 5—To Dec. 31, 1905, receipts	12,507.60	
		\$ 18,216.67

Warrants issued from Jan. 1 to June 5	\$5,709.07	
Warrants issued from June 5 to Dec. 31	4,825.21	\$ 10,534.28

1905. Dec. 31—Balance in fund	\$ 7,682.39	
Warrants Outstanding		307.98

1906. Jan. 1—Balance in Treasury	\$ 7,990.37	
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COLORED COLLEGE MORRILL FUND,

1905.		
Jan. 1—To June 5, 1905, receipts, etc.....	\$	14,701.99
June 5—To Dec. 31, 1905 receipts		None
		<hr/>
	\$	14,701.99
Warrants issued from Jan. 1 to		
June 5	\$	2,169.83
Warrants issued from June 5 to		
Dec. 31	4,182.04	6,351.87
1905.		<hr/>
Dec. 31—Balance in fund	\$	8,350.12
Warrants Outstanding		155.65
1906.		<hr/>
Jan. 1—Balance in Treasury	\$	8,505.77

FLORIDA AGRICULTURAL INSTITUTE, KISSIMMEE.

1905.		
Jan. 1—Balance in fund	\$	3,963.85
1906.		
Jan. 1—Balance in fund	\$	3,963.85

COLLEGE PROPERTY FUND.

1905.		
Oct. 1—Balance in fund	\$	569.33
1906.		
Jan. 1—Balance in fund	\$	569.33

FLORIDA FEMALE COLLEGE, INCIDENTAL FUND.

1905.		
Nov. 1-30—Receipts	\$	1,114.75
Dec. 1-31—Receipts		473.50
		<hr/>
	\$	1,588.25
Warrants issued from Nov. 1 to Dec. 31, 1905..		542.81
		<hr/>
1905.		
Dec. 31—Balance in fund	\$	1,045.44
Warrants Outstanding		42.81
1906.		<hr/>
Jan. 1—Balance in Treasury	\$	1,088.25

UNIVERSITY OF FLORIDA, GAINESVILLE DONATION.

1905.	
July 1-31—Receipts	\$ 40,000.00
Oct. 1-31—Receipts (interest)	222.22
	<hr/>
1906.	\$ 40,222.22
Jan. 1—Balance in fund	\$ 40,222.22

EXPERIMENT STATION INCIDENTAL FUND.

1905.	
Jan. 1—To June 5, 1905, receipts, etc	\$ 1,173.20
June 5—To Dec. 31, 1905, receipts	445.12
	<hr/>
	\$ 1,618.32
Warrants issued from Jan. 1 to	
June 5, 1905	\$ 360.43
Warrants issued from June 5 to	
Dec. 31, 1905	981.01
	<hr/>
	1,341.44
1905.	
Dec. 31—Balance in fund	\$ 276.88
Warrants Outstanding	\$ 25.00
	<hr/>
1906	
Jan. 1—Balance in Treasury	\$ 301.88

UNIVERSITY INCIDENTAL FUND.

1905.	
Jan. 1—To June 5, 1905, receipts, etc	\$ 1,053.97
June 5—To Dec. 31, 1905	770.34
	<hr/>
	\$ 1,824.31
Warrants issued from Jan. 1 to	
June 5, 1905	None
Warrants issued from June 5 to	
Dec. 31, 1905	\$1,132.22
	<hr/>
	1,132.22
1905.	
Dec. 31—Balance in fund	\$ 692.09
Warrants Outstanding	12.00
	<hr/>
1906.	
Jan. 1—Balance in Treasury	\$ 704.09

UNIVERSITY MESS HALL FUND.

1905.	
Jan. 1—To June 5 1905, receipts, etc	\$ 6,135.11
June 5—To Dec. 31, 1905, receipts	2,134.93
	<hr/>
	\$ 8,270.04

Warrants issued from Jan. 1 to June 5, 1905.....	\$6,130.61
Warrants issued from June 5 to Dec. 31, 1905	2,139.73 \$ 8,270.04

SOUTH FLORIDA MILITARY COLLEGE.

Current Expenses.

1905.	
Sept. 1-30—Amount transferred to Treasurer.\$	617.23
Sept. 1-30—Warrants issued	617.23

COLORED NORMAL SCHOOL CONTINGENT FUND.

1905.	
Nov. 1-30—Receipts	\$ 70.10
Dec. 1-31—Receipts	215.17

	\$ 285.27
Warrants issued from Nov. 1 to Dec. 31, 1905..	114.55

Balance in fund Dec. 31, 1905	\$ 170.72
Warrants Outstanding	3.50

Treasurers balance Jan. 1, 1906.....	\$ 174.22
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INDIAN WAR CLAIM FUND.

1905.	
Dec. 21—Balance in fund	\$ 25,000.00
1906.	
Jan. 1—Balance in fund	25,000.00

OUTSTANDING WARRANTS.

General Revenue Fund	\$ 8,284.54
General School One Mill Fund.....	2,684.22
Pension Fund Tax	1,444.48
Hire of State Convicts Fund	125.01
Experiment Station Fund	310.77
White College Morrill Fund	307.98
Colored College Morrill Fund	155.65
Colored Normal School Contingent Fund	3.50
Fla. Female College Incidental Fund	42.81
Experiment Station Incidental Fund	25.00
University Incidental Fund	12.00
	<hr/>
	\$ 13,395.96

REPORT OF THE COMPTROLLER

Receipts and Disbursements, 1906.

RECEIPTS.

Comptroller's balance January 1, 1906		\$ 388,415.19
General Revenue Fund.....	\$761,924.02	
General School One Mill Tax Fund	131,544.52	
State Board of Health Tax Fund	63,374.69	
Pension Tax Fund	397,932.70	
Hire of State Convicts Fund..	245,647.94	
Common School Fund, principal	83,359.27	
Common School Fund, Interest	34,536.00	
Seminary Fund, Principal.....	15,927.73	
Seminary Fund, Interest.....	3,999.00	
Experiment Station Fund, (Hatch)	15,000.00	
Experiment Station Fund, (Adams)	8,498.11	
Experiment Station, Incidental Fund	383.26	
Agricultural College Fund....	7,710.00	
White College, Morrill Fund...	12,500.00	
Colored College, Morrill Fund..	12,646.66	
Colored Normal School Contingent Fund	5,807.48	
Florida Female College Incidental Fund	5,385.00	
University Incidental Fund ...	310.50	
Proceeds of College Property Fund	22,836.25	
University of Florida, Gainesville Donation	737.70	
Blind, Deaf and Dumb, Incidental Fund	105.31	
Indian War Claims Fund.....	None	\$1,830,166.14
		<u>\$2,218,581.33</u>

DISBURSEMENTS.

(Warrants Issued.)

General Revenue Fund	\$773,395.00	
General School One Mill Tax Fund	134,059.82	
State Board of Health Tax Fund	64,802.98	
Pension Tax Fund	293,969.15	
Hire of State Convicts Fund ..	185,668.04	
Common School Fund, Principal	76,863.26	
Common School Fund, Interest	33,645.20	
Seminary Fund, Principal	15,000.00	
Seminary Fund, Interest	6,954.15	
Experiment Station Fund, (Hatch)	15,971.74	
Experiment Station Fund, (Adams)	6,043.42	
Experiment Station Incidental Fund	520.49	
Agricultural College Fund....	6,203.79	
White College Morrill Fund...	11,055.96	
Colored College Morrill Fund..	11,980.92	
Colored Normal School Contingent Fund	5,974.37	
Florida Female College incidental Fund	4,136.70	
University Incidental Fund ...	1,001.33	
Proceeds of College Property Fund	23,256.27	
University of Florida, Gainesville Donation Fund	40,959.92	
Florida Agricultural Institute, Kissimmee, (transferred) ...	3,963.85	\$1,715,426.36
Comptroller's Balance, Jan. 1, 1907		503,154.97
Warrants Outstanding Jan. 1, 1907		8,132.11
Treasurer's Balance, Jan. 1, 1907		\$ 511,287.08

The Comptroller's balance is distributed among the different funds as follows:

General Revenue Fund	\$116,392.46
General School One Mill Tax	5,206.14
Pension Fund Tax	180,326.74
State Board of Health Tax	56,767.36
Common School Fund Principal	6,937.27
Common School Fund Interest	17,789.67
Seminary Fund Principal	927.73
Seminary Fund Interest	1,007.85
Hire of State Convicts Fund	66,048.35
Blind, Deaf and Dumb Incidental Fund	105.31
Indian War Claim Fund.....	25,000.00
Hatch Experiment Station Fund	928.00
Adams Experiment Station Fund	2,454.69
Experiment Station Incidental Fund	139.65
Agricultural College Fund	2,533.32
White College Morrill Fund	9,126.43
Colored College Morrill Fund	9,015.86
Colored Normal School Contingent Fund	3.83
Florida Female College Incidental Fund.....	2,293.74
University Incidental Fund	1.26
Proceeds of College Property Fund.....	149.31
	<hr/>
	\$503,154.97

GENERAL REVENUE FUND.

RECEIPTS IN 1906.

Balance in Fund January 1, 1906	\$127,863.44
Taxes of 1906	2,437.16
Taxes of 1905	186,709.04
Taxes of 1904.....	295.92
General License Tax	300,484.13
Insurance Company's License Tax.....	26,300.00
Insurance Agents License Tax.....	15,939.00
Insurance Company Premium Tax.....	71,570.56
Southern Express Company License Tax.....	1,250.00
Telegraph Company License Tax	1,500.00
Sleeping Car Tax	1,287.18
Interest on Deposits in 1906	10,594.54
Tax Certificate Proceeds from Comptroller....	19,915.68
Expenses of Sale Tax Certificates.....	9,238.65

Interest on Tax Certificates	37,145.71
Revenue Refunded Account Tax Certificates..	10.95
Corporation Charter Tax.....	29,168.00
Tax on Commissions.....	2,104.00
For Certificates under Sec. 81 Gen'l Statutes.	68.00
Sale of Fertilizer Stamps, Agri. Department..	29,495.66
Sale of Feedstuff Stamps, Agri. Department..	13,294.53
Sale of Confiscated Feedstuffs	286.14
Automobile Registration Tax.....	352.00
Chauffeur Registration Tax.....	128.00
Auction Tax..	13.22
Acts of Legislature sold.....	46.50
Revised Statutes sold	4.00
Copies of State Constitution sold25
Justice Manuals sold	1.00
General Statutes sold, bound	1,300.00
General Statutes sold, unbound	476.00
Old Mantel sold	1.00
Classifications sold by R. R. Commissioners ..	134.72
Fines collected by R. R. Commissioners.....	200.00
Refund on Insurance Policies	91.20
Refunded from U. S. Government Acct. Direct Taxes	73.53
Sale of Record of Florida Soldiers	7.75
	<hr/>
	\$889,787.46

DISBURSEMENTS 1906.

(Warrants Issued.)

Salaries Executive Department	\$ 20,000.00
Salaries clerks Administrative Department..	33,438.22
Salary State Auditor and Clerk	3,200.00
Traveling expenses State Auditor	562.80
Salary Assistant State Auditor	2,010.95
Traveling expenses Assistant State Auditor ..	654.30
Expenses re-arrangement State Treasurer's Office..	204.17
Contingent expenses Executive Office.....	3,484.76
Postage expenses and telegrams Secretary of State	543.67
Janitors at Capitol.....	720.00
Engineer and Gardener at Capitol.....	720.00
Watchman at Capitol.....	780.00

Fuel, lights and water at Capitol	1,315.06
Repairs and other incidental expenses at Capitol.....	1,078.92
Traveling expenses Supt. of Public Instruction	651.05
Postage, printing and contingent expenses Supt. Public Instruction	1,662.42
Printing Agricultural Department	2,014.17
Express and telegrams Agricultural Department	140.63
Incidental expenses Agricultural Department	129.60
Postage and Stationery, Agricultural Department	694.90
Salary State Chemist	2,000.00
Traveling expenses State Chemist	1,235.26
Salary Assistant State Chemist and Inspector of Fertilizer	1,650.00
Salary Additional Assistant State Chemist..	1,494.61
Traveling expenses Inspector of Feedstuffs...	523.75
Salary Inspector of Feedstuffs	900.00
Chemicals and Apparatus for Laboratory of State Chemist	983.37
Books and Bookcases for Attorney General's Office.....	256.40
Incidental expenses Attorney General's Office	164.62
Lists of Land Entries and other contingent expenses of Comptroller's Office	762.05
Expenses Collection of Revenue	58,753.35
Revenue Refunded	39.95
General Printing and Advertising.....	18,093.97
Printing Delinquent Tax Lists.....	2,575.20
Stationary for Executive and Legislative Departments..	1,041.19
Maintenance of Lunatics....	98,992.14
Maintenance of Lunatics (Improvements)....	27,752.31
Salaries Judicial Department	59,200.00
Jurors and Witnesses	68,892.84
Clerk of Supreme Court (per diem).....	300.00
Clerk of Supreme Court (as Librarian)	936.00
Secretary to Supreme Court Judges.....	1,200.00
Stenographer to Supreme Court Justices	500.00
Janitor of Supreme Court.....	900.00
Messenger Supreme Court.....	360.00

Contingent expenses of Supreme Court	1,378.10
Purchase of Books for Supreme Court Library	750.00
Sheriff of Supreme Court per diem	114.00
Printing Supreme Court Reports.....	4,589.88
Reprinting Supreme Court Reports.....	4,054.70
General Statutes of Florida	253.00
Expenses of Circuit Judges sitting on Supreme Bench	36.15
Expenses of Circuit Judges sitting in other Circuits	139.04
Traveling expenses Circuit Judges.....	1,310.75
Rewards for and expenses of arrest of fugitives from justice.....	1,150.00
Salary of Adjutant General.....	2,000.00
Expenses Florida State Troops.....	12,402.37
Encampment Florida State Troops 1905	11,502.28
Encampment Florida State Troops 1906.....	12,121.62
Confederate Soldiers Home Current expenses..	888.15
Confederate Soldiers Home, salary Supt. and Matron.....	585.00
Confederate Soldiers Home, Funeral expenses of inmates	180.00
Confederate Soldiers Home, Maintenance of Hospital.. ..	407.37
Educational Fund	108,652.66
Teachers Summer Training Schools	2,470.47
Uniform System of Public Schools	48,894.00
State Aid for Attendance at Public Schools..	31,069.25
State Aid to certain Common Schools.....	25,000.00
Interest on Bonds	18,047.00
Insurance on State Buildings	13,916.84
Refund on Liquor Licenses	1,190.77
State Census 1905	2,917.67
Expenses Legislature of 1905.....	640.00
Act for relief of T. H. Jackson	62.00
Act for relief of H. S. Mattox, et al.....	150.00
Governor's Mansion Commission	9,539.37
West Florida Fair Association.....	2,000.00
Florida Mid-Winter Fair Association	15,000.00
Comptroller's Balance January 1, 1907.....	116,534.63
	<u>\$889,787.46</u>
Balance in Fund January 1, 1907.....	\$116,534.63
Warrants outstanding	4,242.65
Treasurer's Balance January 1, 1907.....	<u>\$120,777.28</u>

ABSTRACT OF ACCOUNTS.

GENERAL REVENUE FUND.

Balance in Fund January 1, 1906..	\$127,863.44	
Receipts from Jan. 1, to Dec. 31, 1906.....	761,924.02	
Warrants issued from Jan. 1, to Dec. 1, 1906.....		\$773,252.83
Balance in Fund Dec. 31, 1906..		116,534.63
	<u>\$889,787.46</u>	<u>\$889,787.46</u>
Balance in Fund Jan. 1, 1907..	\$116,534.63	
Warrants Outstanding	4,242.65	
Treasurer's Balance Jan. 1, 1907..	\$120,777.28	

GENERAL SCHOOL ONE MILL TAX FUND.

Balance in Fund Jan. 1, 1906..	\$ 7,721.44	
Receipts from Jan. 1, to Dec. 1, 1906	131,544.52	
Warrants issued from Jan. 1, to Dec. 31, 1906..		\$134,059.82
Balance in Fund Dec. 31, 1906..		5,206.14
	<u>\$139,265.96</u>	<u>\$139,265.96</u>
Balance in Fund Jan. 1, 1907....	\$ 5,206.14	
Warrants Outstanding	467.36	
Treasurer's Balance Jan. 1, 1907..	\$ 5,673.50	

STATE BOARD OF HEALTH TAX FUND.

Balance in Fund Jan. 1, 1906..	\$ 58,195.65	
Receipts from Jan. 1, to Dec. 31 1906	63,374.69	
Warrants issued from Jan. 1 to Dec. 31, 1906		\$ 64,802.98

Balance in Fund Dec. 31, 1906...		56,767.36
	<u>\$121,570.34</u>	<u>\$121,570.34</u>
Balance in Fund Jan. 1, 1907...	\$ 56,767.36	
Warrants Outstanding	None	
Treasurer's Balance Jan. 1, 1907...	<u>\$56,767.36</u>	

PENSION FUND TAX.

Balance in Fund Jan. 1, 1906...	\$ 76,363.19	
Receipts from Jan. 1, to Dec. 31, 1906	397,932.70	
Warrants issued from Jan. 1, to Dec. 31, 1906.....		\$293,969.15
Balance in Fund Dec. 31, 1906..		<u>180,326.74</u>
	<u>\$474,295.89</u>	<u>\$474,295.89</u>
Balance in Fund Jan. 1, 1907...	<u>\$180,326.74</u>	
Warrants Outstanding	1,682.87	
Treasurer's Balance Jan. 1, 1907.	<u>\$182,009.61</u>	

COMMON SCHOOL FUND, PRINCIPAL.

Balance in Fund Jan. 1, 1906....	\$ 441.26	
Receipts from Jan. 1, to Dec. 31, 1906..	83,359.27	
Warrants issued from Jan. 1, to Dec. 31, 1906.....		\$ 76,863.26
Balance in Fund Dec. 31, 1906..		<u>6,937.27</u>
	<u>\$ 83,800.53</u>	<u>\$ 83,800.53</u>
Balance in Fund Jan. 1, 1907....	\$ 6,937.27	
Warrants Outstanding	None	
Treasurer's Balance Jan. 1, 1907.	<u>\$ 6,937.27</u>	

COMMON SCHOOL FUND, INTEREST.

Balance in Fund Jan. 1, 1906...	\$ 16,898.87	
Receipts from Jan. 1, to Dec. 31,		
1906	34,536.00	
Warrants issued from Jan. 1, to		
Dec. 31, 1906		\$ 33,645.20
Balance in Fund Dec. 31, 1906..		17,789.67
	<hr/>	<hr/>
	\$ 51,434.87	\$ 51,434.87

Balance in Fund Jan. 1, 1907...	\$ 17,789.67
Warrants Outstanding	None

Treasurer's Balance Jan. 1, 1907. \$ 17,789.67

SEMINARY FUND, PRINCIPAL.

Balance in Fund Jan. 1, 1906...	None	
Receipts from Jan. 1, to Dec. 31,		
1906.....	\$ 15,927.73	
Warrants issued from Jan. 1, to		
Dec. 31, 1906		\$ 15,000.00
Balance in Fund Dec. 31, 1906..		927.73
	<hr/>	<hr/>
	\$ 15,927.73	\$ 15,927.73

Balance in Fund Jan. 1, 1907...	\$ 927.73
Warrants Outstanding.. ..	None

Treasurer's Balance Jan. 1, 1907. \$ 927.73

SEMINARY FUND, INTEREST.

Balance in Fund Jan. 1, 1906...	\$ 3,963.00	
Receipts from Jan. 1, to Dec. 31,		
1906	3,999.00	
Warrants issued from Jan. 1, to		
Dec. 31, 1906		\$ 6,954.15
Balance in Fund Dec. 31, 1906..		1,007.15
	<hr/>	<hr/>
	\$ 7,962.00	\$ 7,962.00

Balance in Fund Jan. 1, 1907...	\$ 1,007.85
Warrants Outstanding	None

Treasurer's Balance Jan. 1, 1907. \$ 1,007.85

HIRE OF STATE CONVICTS FUND.

Balance in Fund Jan. 1, 1906..\$	6,068.45	
Receipts from Jan. 1, to Dec. 31,		
1906	245,647.94	
Warrants issued from Jan. 1, to		
Dec. 31, 1906.....		\$185,668.04
Balance in Fund Dec. 31, 1907..		66,048.35
	<u>\$251,716.39</u>	<u>\$251,716.39</u>
Balance in Fund Jan. 1, 1907....\$	66,048.35	
Warrants Outstanding	191.16	
	<u></u>	
Treasurer's Balance Jan. 1, 1907.\$	66,239.51	

EXPERIMENT STATION FUND.

Balance in Fund Jan. 1, 1906...\$	1,899.74	
Receipts from Jan. 1, to Dec. 31,		
1906	15,000.00	
Warrants issued from Jan. 1, to		
Dec. 31, 1906.....		\$ 15,971.74
Balance in Fund Dec. 31, 1906...		928.00
	<u>\$ 16,899.74</u>	<u>\$ 16,899.74</u>
Balance in Fund Jan. 1, 1907....\$	928.00	
Warrants Outstanding	None	
	<u></u>	
Treasurer's Balance Jan. 1, 1907 \$	928.00	

BLIND, DEAF AND DUMB, INCIDENTAL FUND.

Receipts from August 1, to Dec.		
31, 1906.....\$	105.31	
Warrants issued from Aug. 1, to		
Dec. 31, 1906.....		None
Balance in Fund Dec. 31, 1906...		\$ 105.31
	<u>\$ 105.31</u>	<u>\$ 105.31</u>
Balance in Fund Jan. 1, 1907....\$	105.31	
	<u></u>	
Treasurer's Balance Jan. 1, 1907.\$	105.31	

INDIAN WAR CLAIM FUND.

Balance in Fund Jan. 1, 1906...	\$ 25,000.00	
Receipts from Jan. 1, to Dec. 31 1906		None
Warrants issued from Jan. 1, to Dec. 31, 1906		None
Balance in Fund Dec. 31, 1906 ..		\$ 25,000.00
	<u>\$ 25,000.00</u>	<u>\$ 25,000.00</u>
Balance in Fund Jan. 1, 1907...	<u>\$ 25,000.00</u>	

ADAMS EXPERIMENT STATION FUND.

Receipts from Jan. 1, to Dec. 31, 1906	\$ 8,498.11	
Warrants issued from Jan. 1, to Dec. 31, 1906		\$ 6,043.42
Balance in Fund Dec. 31, 1906...		2,454.69
	<u>\$ 8,498.11</u>	<u>\$ 8,498.11</u>
Balance in Fund Jan. 1, 1907...	\$ 2,454.69	
Warrants Outstanding	1,400.00	
Treasurer's Balance Jan. 1, 1907.	\$ 3,854.69	

EXPERIMENT STATION FUND, INCIDENTAL.

Balance in Fund Jan. 1, 1906..	\$ 276.88	
Receipts from Jan. 1, to Dec. 31, 1906..	383.26	
Warrants issued from Jan. 1, to Dec. 31, 1906		\$ 520.49
Balance in Fund Dec. 31, 1906...		139.65
	<u>\$ 660.14</u>	<u>\$ 660.14</u>
Balance in Fund Jan. 1, 1907...	\$ 139.65	
Warrants Outstanding	None	
Treasurer's Balance Jan. 1, 1907.	\$ 139.65	

AGRICULTURAL COLLEGE FUND.

Balance in Fund Jan. 1, 1906....	\$ 1,027.11	
Receipts from Jan. 1, to Dec. 31, 1906	7,710.00	
Warrants issued from Jan. 1, to Dec. 31, 1906		\$ 6,203.79
Balance in Fund Dec. 31, 1906...		2,533.32
	<hr/>	<hr/>
	\$ 8,737.11	\$ 8,737.11
Balance in Fund Jan. 1, 1907...	\$ 2,533.32	
Warrants Outstanding	2.00	
Treasurer's Balance Jan. 1, 1907.	\$ 2,535.32	

WHITE COLLEGE MORRILL FUND.

Balance in Fund Jan. 1, 1906....	\$ 7,682.39	
Receipts from Jan. 1, to Dec. 31, 1906.....	12,500.00	
Warrants issued from Jan. 1, to Dec. 31, 1906.....		\$ 11,055.96
Balance in Fund Dec. 31, 1906...		9,126.43
	<hr/>	<hr/>
	\$ 20,182.39	\$ 20,182.39
Balance in Fund Jan. 1, 1907...	\$ 9,126.43	
Warrants Outstanding	None	
Treasurer's Balance Jan. 1, 1907.	\$ 9,126.43	

COLORED COLLEGE, MORRILL FUND.

Balance in Fund Jan. 1, 1906....	\$ 8,350.12	
Receipts from Jan. 1, to Dec. 31, 1906	12,646.66	
Warrants issued from Jan. 1, to Dec. 31, 1906....		\$ 11,980.92
Balance in Fund Dec. 31, 1906...		9,015.86
	<hr/>	<hr/>
	\$ 20,996.78	\$ 20,996.78
Balance in Fund Jan. 1, 1907....	\$ 9,015.86	
Warrants Outstanding.....	3.90	
Treasurer's Balance Jan. 1, 1907.	\$ 9,019.76	

COLORED NORMAL SCHOOL, CONTINGENT.

Balance in Fund Jan. 1, 1906...	\$ 170.72	
Receipts from Jan. 1, to Dec. 31, 1906.....	5,807.48	
Warrants issued from Jan. 1, to Dec. 31, 1906		\$ 5,974.37
Balance in Fund Dec. 31, 1906...		3.83
	<u>\$ 5,978.20</u>	<u>\$ 5,978.20</u>
Balance in Fund Jan. 1, 1907...	\$ 3.83	
Warrants Outstanding	None	
Treasurer's Balance Jan. 1, 1907.	\$ 3.83	

FLORIDA FEMALE COLLEGE, INCIDENTAL.

Balance in Fund Jan. 1, 1906...	\$ 1,045.44	
Receipts from Jan. 1, to Dec 31, 1906	5,385.00	
Warrants issued from Jan. 1, to Dec. 31, 1906		4,136.70
Balance in Fund Dec. 31, 1906..	\$	2,293.74
	<u>\$ 6,430.44</u>	<u>\$ 6,430.44</u>
Balance in Fund Jan. 1, 1907....	\$ 2,293.74	
Warrants Outstanding	None	
Treasurer's Balance Jan. 1, 1907.	\$ 2,293.74	

UNIVERSITY FUND, INCIDENTAL.

Balance in Fund Jan. 1, 1906...	\$ 569.33	
Receipts from Jan. 1, to Dec. 31, 1906..	310.50	
Warrants issued from Jan. 1, to Dec. 31, 1906		\$ 1,001.33
Balance in Fund Dec. 31, 1906...		1.26
	<u>\$ 1,002.59</u>	<u>\$ 1,002.59</u>
Balance in Fund Jan. 1, 1907...	\$ 1.26	
Warrants Outstanding	None	
Treasurer's Balance Jan. 1, 1907.	\$ 1.26	

PROCEEDS COLLEGE PROPERTY FUND.

Balance in Fund Jan. 1, 1906...	\$	569.33	
Receipts from Jan. 1, to Dec. 31,			
1906		22,836.25	
Warrants issued from Jan. 1, to			
Dec. 31, 1906.....	\$	23,256.27	
Balance in Fund Dec. 31, 1906...			149.31
		<hr/>	<hr/>
	\$	23,405.58	\$ 23,405.58
Balance in Fund Jan. 1, 1907....	\$	149.31	
Warrants Outstanding		None	
		<hr/>	
Treasurer's Balance Jan. 1, 1907.	\$	149.31	

UNIVERSITY OF FLORIDA, GAINESVILLE DONATION.

Balance in Fund Jan. 1, 1906...	\$	40,222.22	
Receipts from Jan. 1, to Dec. 31,			
1906		737.70	
Warrants issued from Jan. 1, to			
Dec. 31, 1906	\$	40,959.92	
		<hr/>	<hr/>
	\$40,959.92		\$ 40,959.92

STATE TREASURER'S REPORT.

TREASURY DEPARTMENT, STATE OF FLORIDA,
TREASURER'S OFFICE,
TALLAHASSEE, JANUARY 1, 1906.

*To His Excellency, Napoleon B. Broward,
Governor of Florida.*

SIR: In compliance with law I have the honor to submit this, my official report of the transactions of this office for the period beginning January 1st, 1905, and ending December 31st, 1905.

It may be remarked that the financial condition of the State is on a satisfactory basis. It is the policy of the State to collect from the taxpayers only such amounts of revenue as will suffice, with receipts from sources other than direct taxation, to insure the payment, upon proper demand, of all legal obligations against the State. The very low rate of taxation which has been levied and collected during the last few years has resulted in reducing the balances in some of the funds in the Treasury, and, as a result, the balances are not as large as in former years. Thus, only so much of the people's money has been called into the State Treasury as was necessary for the unhampered and economical administration of the State government.

There continue to be gratifying increases in receipts into the General Revenue Fund from insurance company taxes and from corporation charter taxes. The Legislature has provided several sources of revenue other than direct taxation, such as the tax on the sale of feed-stuffs, on automobiles, etc., which may develop into important contributors to this Fund. The operation of the general license law of 1903 produced from that source the largest item of receipts into the General Revenue Fund during 1905.

SECURITY FOR STATE DEPOSITS.

The Treasurer holds bonds of other States and bonds of counties and cities in this State of the face value of \$471,000.00, to secure the State funds deposited in banks under Chapter 4586, Acts of 1897, all of which bonds, belonging to the banks of deposit, have been approved by the Governor, Comptroller and Treasurer, as provided by said Act.

The interest on the deposits of State funds collected by the Treasurer for the State in 1905 amounted to \$9,489.39, as shown in the statement of General Revenue receipts.

INTEREST ON PUBLIC DEBT PAID IN 1905.

Paid Interest to State School Fund	\$11,045.00
Paid Interest to Agricultural College (University of Florida) Fund	4,074.00
Paid Interest to Seminary Fund	2,928.00
	<hr/>
Total Interest Paid on Public Debt	\$18,047.00

The public debt consists solely of Refunding Bonds, amounting to \$601,567.00, bearing interest at the rate of three per cent. per annum, all of which are held by the educational funds of the State.

MAINTENANCE OF COLLEGES.

Extended space has been given in this report to detailed statements of the receipts and disbursements on account of the several institutions for higher education. Chapter 5384, Laws of Florida, approved June 5, 1905, (commonly known as the "Buckman Act") which reorganized the system of higher education under State direction and support, changed the mode of handling receipts and disbursements in many of the funds which contributed to the maintenance of the colleges, and in this report will be found explanations of all changes so made and detailed statements of receipts and disbursements, both under the former laws governing same and under Chapter 5384.

INSURANCE DEPARTMENT.

During the year one fire insurance company and one miscellaneous insurance company withdrew from the State, while six fire, four life, three miscellaneous and two sick and funeral benefit insurance companies entered for business.

The State received during the year 1905, through licenses and commissions on premiums collected in the Treasurer's office, from insurance and surety companies doing business in the State:

For Company Licenses	\$21,050.00
For Agents' Licenses	13,844.50
For Commissions on Premiums	63,743.33
	<hr/>
	\$98,837.83

This is an increase of \$9,918.94 over the collections in 1904.

While there are several Surety Companies authorized to do commercial business in this State under the provisions of the Revised Statutes, and to become sureties on bonds given in judicial proceedings under Chapter 4572, Acts of 1897, not one has qualified to become surety upon the bonds of city, county or State officers under Chapter 4671, Acts of 1899.

A list of the Insurance and Surety Companies authorized to do business in Florida, with a summarized statement of their transactions and financial condition, will be found in an appendix.

Respectfully submitted,

WILLIAM V. KNOTT,
State Treasurer.

BALANCE SHEET**DECEMBER 31, 1905.**

Cash	\$401,940.85	
General Revenue Fund.....		\$136,147.98
One Mill School Tax Fund.....		10,405.66
Pension Tax Fund.....		77,807.67
State Board of Health Fund...		58,195.65
Principal of State School Fund.		441.26
Interest of State School Fund...		16,898.87
Interest of Seminary Fund.....		3,963.00
Hire of State Convicts Fund....		6,193.46
Indian War Claims Fund.....		25,000.00
Agricultural College Fund.....		1,027.11
Experiment Station Fund.....		2,210.51
University Incidental Fund.....		704.09
Experiment Station Incidental Fund		301.88
University of Florida, Gaines- ville Donation Fund		40,222.22
White College Morrill Fund.....		7,990.37
Colored College Morrill Fund....		8,505.77
Florida Female College Inciden- tal Fund		1,088.25
Florida Agricultural Institute, Kissimmee, Fund.....		3,963.85
Colored Normal School Contin- gent Fund		174.22
Proceeds of College Property Fund		569.33
Florida Hospital for Insane Fire Loss Fund		129.70
	<u>\$401,940.85</u>	<u>\$401,940.85</u>

ABSTRACT OF GENERAL REVENUE FUND.**RECEIPTS IN 1905.**

Balance as per report January 1.....	\$293,054.58
Taxes of 1905	2,687.88

Taxes of 1904	54,334.85
Taxes of 1903	415.48
General License Tax	296,561.56
Insurance Company License Tax	21,050.00
Insurance Agents' License Tax.....	13,844.50
Insurance Company Premium Tax	63,743.33
Interest on Deposits in 1905	9,489.39
Delinquent Settlements of County Officers....	48.27
Tax Certificate Proceeds from Comptroller...	14,064.78
Expense of Sale Tax Certificates.....	6,809.25
Interest on Tax Certificates	25,236.63
Corporation Charter Tax	26,144.00
Tax on Commissions	2,614.00
Sleeping Car Tax	1,096.32
Southern Express Co. License Tax	1,250.00
Telegraph Co. License Tax	1,500.00
Sale of Fertilizer Stamps, Dept. Agriculture..	26,687.89
Sale of Confiscated Fertilizers	24.77
Sale of Feedstuff Stamps, Dept. Agriculture..	4,846.97
One Mill Tax on Main St. Ry., Jacksonville..	122.50
Back Taxes on Fla. Ry. & Navigation Co.....	31,720.90
Fines under Military Code	25.00
From U. S. Government Refund on Transportation Fla. State Troops to Manassas, Va., Summer of 1905	1,074.23
Automobile Registration Tax	258.00
Chauffeur Registration Tax	40.00
Auction Tax	57.30
Sale Supreme Court Reports	2,000.00
Acts of Legislature Sold	137.00
Revised Statutes Sold	36.00
Justice Manuals Sold	4.00
Classifications sold by Railroad Commissioners	29.85
Copies of Files Sold by Railroad Commissioners	10.00
Blank Books Sold by Railroad Commissioners	3.75
Old Typewriter sold by Railroad Commissioners	15.00
Copy of Testimony sold by Railroad Commissioners	1.50
Revenue Refunded	3.02
Refunded on Graded Schools	200.00
Unearned Insurance Premiums Refunded	118.22

Sale of Record of Florida Soldiers.....	5.00
Old Matting Sold	1.90
Old Gas Fixtures Sold	1.00
	<hr/>
	\$901,368.62

DISBURSEMENTS IN 1905.

Salaries of Executive Department.....	\$ 18,970.83
Salaries of Judicial Department.....	57,351.09
Salaries and Expenses Railroad Commission- ers	12,969.89
Salaries Clerks Administrative Departments..	26,493.30
Expenses of Presidential Electors.....	349.80
Salary Clerk Supreme Court, per diem.....	939.00
Salary Secretary Supreme Court Justices....	1,650.00
Salary Librarian Supreme Court.....	300.00
Sheriff Supreme Court, per diem.....	82.00
Messenger for Supreme Court.....	360.00
Janitor Supreme Court	900.00
Contingent Expenses Supreme Court	2,399.24
Purchase of Books for Supreme Court Library	847.95
Printing Supreme Court Reports.....	826.80
Reprinting Supreme Court Reports.....	60.00
Traveling Expenses Circuit Judges.....	472.72
Jurors and Witnesses.....	76,349.13
Expenses Circuit Judges holding Court in other Circuits.....	189.56
Rewards for and Expenses of Arrest of Fugi- tives from Justice	803.00
Contingent Expenses of State.....	4,040.83
Interest on Bonded Debt of State.....	18,047.00
Maintenance of Lunatics.....	93,626.43
Maintenance of Lunatics, Improvements.....	6,806.90
Expenses Collection of Revenue.....	48,868.00
Expenses of Legislature of 1903.....	3,570.20
Expenses of Legislature of 1905.....	75,790.08
Publishing Acts of Legislature of 1905.....	4,500.00
Act to Enact General Statutes of State.....	6,109.20
Revision of Statutes	1,259.60
St. Petersburg Normal and Industrial School.	5,526.67
State Normal and Industrial School (colored) Tallahassee	506.13
Teachers' Summer Training School.....	2,119.00
General Printing and Advertising.....	22,653.29

Printing Delinquent Tax Lists.....	2,528.61
Insurance on State Buildings.....	4,519.26
Revenue Refunded	387.09
Refund on Liquor Licenses.....	2,545.10
Costs Adjudged Against State in Civil Cases..	12.00
Lists of State and U. S. Land Entries and other expenses Comptroller's Office.....	521.00
Payment of one Florida 6 per cent. Bond, No. 786	100.00
Expenses Governor's Mansion Commissioners..	61.75
Fla. State Mid-Winter Fair Assn., Tampa.....	15,000.00
West Florida Fair Assn., DeFuniak Springs..	2,000.00
Act for Relief of J. Y. Detwiler, Fish Com- missioner	300.00
Act for Relief of Estate of John A. Pearce, late Sheriff of Leon County.....	485.40
Stationery, Legislative and Executive De- partments	1,553.82
Postage, Express and Telegrams, Secy. of State	426.71
Burglar Alarm System for Treasurer's Vault..	900.00
Adding Machine for State Treasurer's Office..	375.00
Adding Machine for State Auditor's Office....	375.00
Repairs and other expenses at Capitol.....	1,030.76
Fuel, Light and Water at Capitol	1,853.33
Engineer and Gardener at Capitol	600.00
Watchman at Capitol	780.00
Janitors at Capitol.....	770.00

Total Disbursements for the year.....\$765,220.64

Balance

\$901,368.62

Balance in the Fund January 1, 1906..... 136,147.98

ONE MILL SCHOOL FUND.

1905.

Jan. 1—Balance as per report.....\$ 7,916.13

Dec. 31—Receipts during year..... 119,040.72

1905.

\$126,956.85

Dec. 31—Disbursed to counties during year.. 116,551.19

1906.

Jan. 1—Balance in the fund\$ 10,405.66

PENSION TAX FUND.

1905.

Jan. 1—Balance as per report.....\$ 8,361.82
 Dec. 31—Receipts during year 342,847.88

\$351,209.70

Dec. 31—Disbursed during year..... 273,402.03

1906.

Jan. 1—Balance in the fund.....\$ 77,807.67

STATE BOARD OF HEALTH FUND.

1905.

Jan. 1—Balance as per report.....\$ 65,996.60
 Dec. 31—Receipts during year 55,258.92

\$121,255.52

Dec. 31—Disbursed during year..... 63,059.87

1906.

Jan. 1—Balance in the fund\$ 58,195.65

HIRE OF STATE CONVICTS FUND.

1905.

Jan. 1—Balance as per report.....\$ 84,180.75
 Dec. 31—Receipts during year 166,544.61

\$250,725.36

Dec. 31—Disbursed during year..... 244,531.90

1906.

Jan. 1—Balance in the fund\$ 6,193.46

INDIAN WAR CLAIMS FUND.

1905.

Jan. 1—Balance as per report\$ 25,000.00
 No receipts.
 No disbursements.

1906.

Jan. 1—Balance in the fund.....\$ 25,000.00

PRINCIPAL OF STATE SCHOOL FUND.

1905.

Jan. 1—Balance as per report\$ 3,429.32
 Dec. 31—Receipts during year 32,648.57

\$36,077.89

Dec. 31—Purchase of bonds during year.....	35,636.63
1906.	
Jan. 1—Balance in the fund	\$ 441.26

INTEREST OF STATE SCHOOL FUND.

1905.	
Jan. 1—Balance as per report.....	\$ 16,679.27
Dec. 31—Receipts during year	33,632.00
	<hr/>
	\$ 50,311.27
Dec. 31—Disbursed to counties during year ..	33,412.40
1906.	
Jan. 1—Balance in the fund.....	\$ 16,898.87

PRINCIPAL OF SEMINARY FUND.

Jan. 1—Balance as per report.....	\$ 24.17
Dec. 31—Receipts during year	942.72
	<hr/>
	\$ 966.89
Dec. 31—Purchase of bonds during year.....	966.89

INTEREST OF SEMINARY FUND.

1905.	
Jan. 1—Balance as per report.....	\$ 986.25
Dec. 31—Receipts during year	3,969.00
	<hr/>
	\$ 4,955.25
Dec. 31—Disbursed during year.....	992.25
1906.	
Jan. 1—Balance in the fund.....	\$ 3,963.00

AGRICULTURAL COLLEGE FUND.

1905.	
Jan. 1—Balance as per report.....	\$ 2.63
Dec. 31—Receipts during year.....	4,994.00
	<hr/>
	\$ 4,996.63
Dec. 31—Disbursed during year	3,969.52
1906.	
Jan. 1—Balance in the fund.....	\$ 1,027.11

EXPERIMENT STATION FUND.

1905.	
Jan. 1—Balance as per report.....	\$ 1.69
Dec. 31—Receipts during year	15,000.00
<hr/>	
	\$ 15,001.69
Dec. 31—Disbursed during year	12,791.18
<hr/>	
1906.	
Jan. 1—Balance in the fund	\$ 2,210.51

WHITE COLLEGE MORRILL FUND.

1905.	
Jan. 1—Balance as per report.....	\$ 5,709.07
Dec. 31—Receipts during year	12,500.00
<hr/>	
	\$ 18,209.07
Dec. 31—Disbursements during year	10,226.70
<hr/>	
1906.	
Jan. 1—Balance in the fund	\$ 7,990.37

STATION INCIDENTAL FUND.

1905.	
Jan. 1—Balance as per report.....	\$ 70.18
Dec. 31—Receipts during year	2,099.80
<hr/>	
	\$ 2,169.98
Dec. 31—Disbursements during year.....	1,868.10
<hr/>	
1906.	
Jan. 1—Balance in the fund.....	\$ 301.88

UNIVERSITY INCIDENTAL FUND.

1905.	
Dec. 31—Receipts during the year.....	\$ 1,824.31
Dec. 31—Disbursed during the year.....	1,120.22
<hr/>	
1906.	
Jan. 1—Balance in the fund	\$ 704.09

UNIVERSITY MESS HALL FUND.

1905.	
Jan. 1—Balance as per report.....	\$ 132.73
Dec. 31—Receipts during year	8,137.31
<hr/>	
	\$ 8,270.04
Dec. 31—Disbursed during year.....	8,270.04

UNIVERSITY GYMNASIUM FUND.

1905.

Jan. 1—Balance as per report	\$	200.50
June 5—Disbursed on Comptroller's warrants to date		39.85
		<hr/>
June 5—Balance in fund	\$	160.65
July 11—By order of the State Board of Education, the balance remaining in this fund was transferred to the credit of the University Incidental fund	\$	160.65

UNIVERSITY OF FLORIDA FIRE LOSS FUND.

1905.

Jan. 1—Balance as per report.....	\$	769.47
June 5—Receipts in fund to date.....		31.05
		<hr/>
	\$	800.52
June 5—Disbursed on Comptroller's warrants to date		734.68
		<hr/>
June 5—Balance in fund.....	\$	65.84
July 11—By order of the State Board of Education the balance remaining in this fund was transferred to the credit of the University Incidental fund	\$	65.84

UNIVERSITY OF FLORIDA GAINESVILLE DONATION FUND.

1905.

July 15—Deposited by citizens of Gainesville	\$	40,000.00
Dec. 31—Interest collected by State Treasurer		222.22
		<hr/>
	\$	40,222.22

No disbursements during year.

1906.

Jan. 1—Balance in the fund.....	\$	40,222.22
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COLORED COLLEGE MORRILL FUND.

1905.

Jan. 1—Balance as per report.....	\$	9,103.59
Dec. 31—Receipts during year.....		12,500.00
		<hr/>
	\$	21,603.59

Dec. 31—Disbursed during year	13,097.82
1906.	
Jan. 1—Balance in the fund.....	\$ 8,505.77

COLORED NORMAL SCHOOL CONTINGENT FUND.

1905.	
Dec. 31—Receipts during year	\$ 285.27
Dec. 31—Disbursed during year	111.05
1906.	
Jan. 1—Balance in the fund	\$ 174.22

STATE NORMAL AND INDUSTRIAL SCHOOL FIRE LOSS FUND.

1905.	
Jan. 1—Balance as per report.....	\$ 883.48
Dec. 31—Receipts during year	51.13
	\$ 934.61
Dec. 31—Disbursed during year	934.61

EDUCATIONAL FUND.

(SUMMARY.)

Under the provisions of Chapter 5384, Laws of Florida, approved June 5, 1905, (commonly known as the "Buckman Act") warrants against the appropriation made by said Act, for the uses specified therein, are drawn by the Comptroller, upon vouchers approved by the Board of Control, and are paid by the Treasurer from the General Revenue Fund, on account of the said appropriation made by Chapter 5384.

The amounts thus disbursed during 1905 were paid out on account of several institutions, as shown in detail on succeeding pages of this report, the aggregate amount disbursed from the Educational Fund on account of each institution being as follows:

Board of Control, expenses	\$ 1,487.50
University of Florida	9,524.56
Florida Female College	13,978.89
Institute for Blind, Deaf and Dumb	4,233.32

Colored Normal and Industrial School.....	1,479.17
Florida State College	4,800.81
South Florida Military College	1,079.00
Florida Agricultural Institute	20.00

Total disbursements from Educational Fund,
1905\$36,603.25

PROCEEDS OF COLLEGE PROPERTY FUND.

1905.	
Dec. 31—Receipts during year.....\$	569.33
No disbursements.	
1906.	
Jan. 1—Balance in the fund.....\$	569.33

FLORIDA HOSPITAL FOR INSANE FIRE LOSS FUND.

1905.	
Jan. 1—Balance as per report.....\$	1.02
Dec. 31—Receipts during year.....	128.68
	\$ 129.70

No disbursements.

1906.	
Jan. 1—Balance in the fund.....\$	129.70

STATEMENT OF BONDS IN EACH FUND.

STATE SCHOOL FUND BONDS.

1905.	
Jan. 1—Florida 3 per cent. Refunding Bond of 1901.....\$	242,800.00
Jan. 1—Florida 3 per cent. Refunding Bond of 1903.....	125,367.00
Jan. 1—Tennessee 3 per cent. Bonds.....	273,900.00
Jan. 1—Virginia Century 3 per cent. Bonds.	189,500.00
Jan. 1—North Carolina 4 per cent. Bonds.	76,000.00
Jan. 1—Alabama "A" 5 per cent. Bonds..	22,000.00
Jan. 1—Alabama "B" 5 per cent. Bonds..	34,000.00
Jan. 1—Alabama "C" 4 per cent. Bonds..	7,000.00
Jan. 1—Alabama "A" 5 per cent. Reg'd Bonds	3,000.00

Jan. 1—Tennessee 3 per cent. Reg'd Bonds.	75,000.00
Purchased during the year:	
Tennessee 3 per cent. Bonds.....	29,800.00
Tennessee 3 per cent. Reg'd Bonds.	7,000.00
Dec. 31—Bonds in the fund.....	<u>\$1,085,367.00</u>

AGRICULTURAL COLLEGE FUND BONDS.

1905.

Jan. 1—Florida 3 per cent. Refunding Bonds of 1901.....	\$ 3,900.00
Jan. 1—Florida 3 per cent. Refunding Bonds of 1903.....	131,900.00
Jan. 1—North Carolina 6 per cent. Bonds..	10,000.00
Jan. 1—North Carolina 4 per cent Bonds..	8,000.00
Dec. 31—Bonds in the fund.....	<u>\$ 153,800.00</u>

SEMINARY FUND BONDS.

1905.

Jan. 1—Florida 3 per cent. Refunding Bond of 1901.....	\$ 21,000.00
Jan. 1—Florida 3 per cent. Refunding Bond of 1903.....	76,600.00
Jan. 1—Alabama "A" 5 per cent. Bonds...	15,000.00
Jan. 1—Virginia Century 3 per cent. Bonds.	7,500.00
Jan. 1—Tennessee 3 per cent. Bonds.....	2,200.00
Bought during the year:	
Tennessee 3 per cent. Reg'd Bond..	1,000.00
Dec. 31—Bonds in the fund.....	<u>\$123,300.00</u>

BONDED DEBT OF THE STATE.

THREE PER CENT. REFUNDING BONDS OF 1901.

Amount 3 per cent. Bonds issued in 1901, in exchanging for 7 per cent. Bonds of 1871, under Chapter 4947.....	<u>\$267,700.00</u>
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One to Agricultural College Fund for.....	\$ 3,900.00
One to East and West Florida Seminary Fund.....	21,000.00
One to State School Fund.....	242,800.00
	<hr/>
	\$267,700.00

**THREE PER CENT. REFUNDING BONDS
OF 1903.**

Amount 3 per cent. Bonds issued in 1903, in exchange for 6 per cent. Bonds of 1873, under Chapter 4947.....	\$333,867.00
One to Agricultural College Fund	\$131,900.00
One to East and West Florida Seminary Fund.....	76,600.00
One to State School Fund.....	125,367.00
	<hr/>
	\$333,867.00
Total bonded debt of the State Jan. 1, 1906.....	<hr/> \$601,567.00

AUDITING DEPARTMENT, STATE OF FLORIDA,
TALLAHASSEE, MARCH 2ND, 1906.

I, W. B. Sadler, Assistant State Auditor of the State of Florida, do hereby certify that I made an examination of the office of State Treasurer at the close of business on the 31st day of December, 1905, and found that he had on hand and on deposit moneys and cash items amounting in the aggregate to \$401,940.85; bonds in the Agricultural College Fund, \$153,800.00; bonds in the Seminary Fund, \$123,300.00; bonds in the State School Fund, \$1,085,367.00

Bonds held by the State Treasurer to secure deposits in banks are ample security for the same.

W. B. SADLER,
Assistant State Auditor.

TREASURY DEPARTMENT, STATE OF FLORIDA,
COMPTROLLER'S OFFICE,
TALLAHASSEE, FLA., JANUARY 2, 1906.

I, A. C. Croom, Comptroller of the State of Florida, do hereby certify that William V. Knott, State Treasurer, deposited with me all vouchers for payments made by him as such Treasurer, for the quarters ending March 31st, June 30th, September 30th and December 31st, 1905, inclusive, as required by Section 125 of the Revised Statutes of the State of Florida, and that his account has been duly credited with the amounts thereof.

In Witness Whereof, I have hereunto affixed my
(Seal) official signature and seal of office this the 2nd
day of January, A. D. 1906.

A. C. CROOM,
Comptroller of the State of Florida.

STATE TREASURER'S REPORT.

TREASURY DEPARTMENT, STATE OF FLORIDA,
TREASURER'S OFFICE,
TALLAHASSEE, JANUARY 1, 1907.

*To His Excellency,
Napoleon B. Broward,
Governor of Florida.*

Sir:

In compliance with the law, I have the honor to submit this, my official report of the transactions of this office for the period beginning January 1st, 1906, and ending December 31, 1906:

GENERAL REVENUE FUND.

The resources of the General Revenue Fund have been sufficient to promptly meet all of the extraordinarily large appropriations made by the last Legislature, though this has been accomplished through the notable increases in receipts from the general license tax, insurance license and premium taxes, sales of fertilizer and feedstuff stamps and other sources of revenue other than the tax levy for general revenue purposes directed by the Legislature of 1905, which was only one and one-half mills for each of the years 1905 and 1906.

All of the other funds held in this office, mentioned severally in the balance sheet in this report, can be used only for the purposes defined in the laws under which they exist. From the General Revenue Fund, however, are paid all the expenses of the State Government, including all jurors and all witnesses before the grand juries, the expenses of assessing and collecting all the revenue of the State for all funds, the salaries of all executive, judicial and military officers of the State, and all clerks and employees of the State, the interest on the bonded debt of the State, the expenses of the Legislature, the special appropriations made by the Legislature for schools and colleges, the expenses of the Hospital for the Insane, the costs of arrest of fugitives from justice, all printing and

all other appropriations made by the Legislature unless otherwise specifically provided.

Of the receipts into the General Revenue Fund since January 1, 1906, \$189,442.12 were from the direct tax levied under acts of the Legislature, and \$572,481.90 were collected from sources other than taxation. The disbursements from this fund during 1906 were very heavy, the special appropriations made by the Legislature, especially for school purposes, having been very large. Yet all the obligations against this fund have been promptly met. Warrants issued by the State for current expenses are everywhere received at par, and are promptly cashed on presentation. The balance in the fund at the close of business December 31, 1906, was \$136,147.98.

SECURITY FOR STATE DEPOSITS.

The Treasurer holds bonds of other States and bonds of counties and cities in this State of the face value of \$534,000.00 to secure the State funds deposited in banks under Chapter 4586, Acts of 1897, all of which bonds, belonging to the banks of deposit, have been approved by the Governor, Comptroller and Treasurer, as provided by said act.

The interest on the deposits of State funds in banks collected by the Treasurer for the State in 1906 amounted to \$10,594.54, as shown in the general revenue receipts. This is an increase of \$1,105.15 over amounts paid by the banks for interest on State deposits in 1905.

INTEREST ON PUBLIC DEBT PAID IN 1906.

Paid interest to State School Fund.....	\$11,045.00
Paid interest to Agricultural College (University of Florida) Fund.....	4,074.00
Paid interest to Seminary Fund.....	2,928.00
Total interest paid on public debt.....	<u>\$18,047.00</u>

The public debt consists solely of Refunding Bonds, amounting to \$601,567.00, bearing interest at the rate of three per cent. per annum, all of which are held by the Educational Funds of the State.

MAINTENANCE OF COLLEGES.

In the last annual report from this office, extended space was given to detailed statements of the receipts and disbursements on account of the several institutions of higher education, and explanations made of the changes effected by Chapter 5384, Acts of 1905, in the mode of handling receipts and disbursements in many of the funds which contributed to the maintenance of the colleges. As matter of information, detailed statements of receipts and disbursements for higher educational purposes during 1906 are set out in this report.

FEDERAL AID TO SCHOOLS.

The State receives from the United States, under an Act of Congress approved March 2, 1887, the sum of \$15,000.00 annually, which constitutes what is known as the Hatch Experiment Station Fund. It is used for the maintenance of the Experiment Station at the University of the State of Florida, under the supervision of the Board of Control.

Under the provisions of an act of Congress approved March 16, 1906, entitled "An Act to Provide for an Increased Annual Appropriation for Agricultural Experiment Stations and Regulating the Expenditure thereof," being an act supplementary to the above mentioned act of March 2, 1887, the State receives an appropriation from the United States, which is to be increased annually until the appropriations under the two said acts shall amount to \$30,000.00 per annum, the additional appropriation made by the said act of March 16, 1906, to be limited to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States. This is known as the Adams Experiment Station Fund, and is disbursed, under the direction of the Board of Control, for the benefit of the Experiment Station at the University of the State of Florida.

The State also receives from the United States, under an act of Congress approved August 30, 1890, the sum of \$25,000.00 annually, given to aid in the support of "Colleges of Agriculture and Mechanic Arts." This is known as the Morrill Fund, and is equally divided between the

University of the State of Florida, at Gainesville, and the Colored Normal and Industrial School, at Tallahassee—all disbursements from the fund being made upon warrants drawn by the Comptroller based upon vouchers approved by the Board of Control.

INSURANCE DEPARTMENT.

During the year 6 fire insurance companies, 1 life insurance company, 1 surety company and 1 sick and funeral benefit insurance company withdrew from the State, while 15 fire, 4 life and 1 miscellaneous companies entered for business. .

The State received during the year 1906, through licenses and commissions on premiums collected in the Treasurer's office, from insurance and surety companies doing business in the State:

For company licenses.....	\$ 26,300.00
For agents' licenses.....	15,939.00
For commissions on premiums.....	71,570.56
	<hr/>
	\$113,809.56

This is an increase of \$14,971.73 over the collections in 1905.

While there are several surety companies authorized to do commercial business in this State under the provisions of the General Statutes, and to become sureties on bonds given in judicial proceedings under Chapter 4572, Acts of 1897, not one has qualified to become surety upon the bonds of city, county or State officers under Chapter 4671, Acts of 1899.

A list of the insurance and surety companies authorized to do business in Florida, with a summarized statement of their transactions and financial condition, will be found in an appendix.

Respectfully submitted,
W. V. KNOTT,
State Treasurer.

BALANCE SHEET.

DECEMBER 31, 1906.

Cash	\$511,287.08	
General Revenue Fund.....		\$120,777.28
One Mill School Fund.....		5,873.50
Pension Tax Fund.....		182,009.61
State Board of Health Fund....		56,767.36
Principal of State School Fund..		6,937.27
Interest of State School Fund..		17,789.67
Principal of Seminary Fund....		927.73
Hire of State Convicts Fund....		66,239.51
Indian War Claims Fund.....		25,000.00
Agricultural College Fund.....		2,535.32
White College Morrill Fund.....		9,126.43
Colored College Morrill Fund....		9,019.76
Hatch Experiment Station Fund..		928.00
Adams Experiment Station Fund		3,854.69
Fla. Female College Incidental Fund		2,293.74
Blind, Deaf and Dumb Inciden- tal Fund		105.31
Proceeds of College Property Fund		149.31
Experiment Station Incidental Fund		139.65
Colored Normal School Contin- gent Fund.....		3.83
Interest of Seminary Fund.....		1,007.85
University of Fla. Incidental Fund		1.26
	<hr/>	<hr/>
	\$511,287.08	\$511,287.08

ABSTRACT OF GENERAL REVENUE FUND.

RECEIPTS IN 1906,

Balance as per report January 1.....	\$136,147.98
Taxes of 1906.....	2,437.16
Taxes of 1905.....	186,709.04
Taxes of 1904.....	295.92

General License Tax.....	300,484.13
Insurance Company License Tax.....	26,300.00
Insurance Agents' License Tax.....	15,939.00
Insurance Company Premium Tax.....	71,570.56
Southern Express Company License Tax.....	1,250.00
Telegraph Company License Tax.....	1,500.00
Sleeping Car Tax.....	1,287.18
Interest on deposits in 1906.....	10,594.54
Tax Certificate proceeds from Comptroller....	19,915.68
Expense of Sale Tax Certificates.....	9,238.65
Interest on Tax Certificates.....	37,145.71
Revenue refunded account Tax Certificates...	10.95
Corporation Charter Tax.....	29,168.00
Tax on commissions.....	2,104.00
For Certificates under Sec. 81, Gen'l Stats...	68.00
Sale of Fertilizer Stamps, Agri. Dept.....	29,495.66
Sale of Feedstuff Stamps.....	13,294.53
Sale of Confiscated Feedstuffs.....	286.14
Automobile Registration Tax.....	352.00
Chauffeur Registration Tax.....	128.00
Auction Tax.....	13.22
Acts of Legislature sold.....	46.50
Revised Statutes sold.....	4.00
Copies of State Constitution sold.....	.25
Justice Manuals sold.....	1.00
General Statutes sold, bound.....	1,300.00
General Statutes sold, unbound.....	476.00
Old mantel sold.....	1.00
Classifications sold by R. R. Commissioners..	134.72
Fines collected by R. R. Commissioners.....	200.00
Refund on Insurance Policies.....	91.20
Refunded from U. S. Government acct. Direct Taxes	73.53
Sale of Record of Florida Soldiers.....	7.75
	<hr/>
	\$898,072.00

DISBURSEMENTS IN 1906.

Salaries of Executive Department.....	\$ 20,000.00
Salaries of Judicial Department.....	59,200.00
Salaries and expenses Railroad Commissioners.	16,315.16
Salaries Clerks Administrative Departments.	33,438.22
Salary Clerk Supreme Court, per diem.....	936.00
Salary Secretary Supreme Court Justices....	1,200.00

Salary Librarian Supreme Court.....	300.00
Sheriff Supreme Court, per diem.....	114.00
Janitor Supreme Court.....	900.00
Stenographer Supreme Court.....	500.00
Messenger to Supreme Court.....	360.00
Contingent expenses Supreme Court.....	1,431.52
Purchase of books for Supreme Court Library.	750.00
Printing Supreme Court Reports.....	4,589.88
Reprinting Supreme Court Reports.....	4,054.70
Traveling expenses Circuit Judges.....	1,310.75
Expenses Circuit Judges sitting in other Cir- cuits	115.04
Expenses Circuit Judges sitting on Supreme Bench	60.15
Jurors and witnesses.....	68,868.84
Rewards for and expenses of arrest of fugi- tives from justice.....	1,350.00
Contingent expenses of State.....	3,432.34
Interest on bonded debt of State.....	18,047.00
Maintenance of lunatics.....	99,599.61
Maintenance of lunatics, improvements.....	27,005.61
Expenses collection of revenue.....	59,858.64
Expenses of Legislature of 1905.....	640.00
Publication of General Statutes.....	253.00
State Census of 1905.....	5,050.82
Salary of Adjutant General.....	2,000.00
Encampment of Florida State Troops.....	23,762.83
Expenses of Florida State Troops.....	12,593.92
Confederate Soldiers' Home, Supt. and Matron	585.00
Confederate Soldiers' Home, Maintenance of Hospital	407.37
Confederate Soldiers' Home, current expenses	888.15
Confederate Soldiers' Home, funeral expenses	180.00
Salary of State Auditor and Clerk.....	3,200.00
Traveling expenses of State Auditor.....	546.55
Salary of Assistant State Auditor.....	2,010.95
Traveling expenses Assistant State Auditor..	670.55
Salary of State Chemist.....	2,000.00
Traveling expenses State Chemist.....	1,235.26
Salary of Assistant State Chemist.....	1,650.00
Salary additional Asst. Chemist.....	1,494.61
Salary of Inspector of Feedstuffs.....	900.00
Traveling expenses Inspector of Feedstuffs...	523.75

Chemicals and Apparatus Laboratory State	
Chemist	983.37
Printing Agricultural Department.....	2,014.17
Postage and stationery, Agricultural Department	694.90
Incidental expenses, Agricultural Department	125.60
Express and telegrams, Agricultural Department	140.63
Incidental expenses, Attorney General's Office.	164.62
Books and bookcases for Attorney General's Office	256.40
Postage, printing, etc., Supt. Public Instruction	1,662.42
Traveling expenses Supt. Public Instruction..	651.05
Uniform system of public schools.....	48,894.00
State aid to certain common schools.....	23,619.75
State aid for attendance at public schools....	32,329.50
Teachers' Summer Training Schools.....	2,470.47
Educational Fund, Colored Normal School....	3,554.36
Educational Fund Inst. Blind, Deaf and Dumb.	14,736.68
Educational Fund, Florida Female College..	25,573.25
Educational Fund, University State of Florida.	20,977.00
Educational Fund, University Building.....	38,603.70
Educational Fund, expenses Board of Control.	2,628.60
Educational Fund, Old Fla. State College....	322.31
Educational Fund, Old Sou. Fla. Mil. Coll....	10.60
Educational Fund, under Sec. 31, Chap. 5384.	2,716.00
General printing and advertising.....	18,033.30
Printing Delinquent Tax Lists.....	2,745.00
Insurance on State buildings.....	13,916.84
Revenue refunded.....	37.75
Refund on liquor licenses.....	1,190.77
Lists of Land Entries and Other Contingent expenses Comptroller's Office.....	760.75
File cabinet and rearrangement State Treasurer's office.....	204.17
Governor's Mansion Commission.....	9,539.37
Florida State Midwinter Fair Association....	15,000.00
West Florida Fair Association.....	2,000.00
Act for relief of H. S. & C. S. Mattox and B. G. McLeod.....	150.00
Act for relief of T. H. Jackson.....	62.00
Stationery, Legislative and Executive Departments	1,039.34

Postage, express and telegrams, Secretary of State	543.67
Repairs and other incidental expenses at Capitol	1,079.42
Fuel, lights and water at Capitol	1,312.74
Engineer and Gardener at Capitol	720.00
Watchman at Capitol	780.00
Janitors at Capitol	720.00

Total disbursements for the year	\$777,294.72
Balance	120,777.28
	<u>\$898,072.00</u>

Balance in the fund January 1, 1907.....120,777.28

ONE MILL SCHOOL FUND.

1906.

Jan. 1—Balance as per report	\$ 10,405.66
Dec. 31—Receipts during the year	131,544.52
	<u>\$141,950.18</u>

Dec. 31—Disbursed to counties during year ..\$136,276.68

1907.

Jan. 1—Balance in the fund\$ 5,673.50

PENSION TAX FUND.

Jan. 1—Balance as per report	\$ 77,807.67
Dec. 31—Receipts during the year	397,932.70

\$475,740.37

Dec. 31—Disbursed during year 293,730.76

1907.

Jan. 1—Balance in the fund\$182,009.61

STATE BOARD OF HEALTH.

1906.

Jan. 1—Balance as per report	\$ 58,195.65
Dec. 31—Receipts during the year	63,374.69

\$121,570.34

Dec. 31—Disbursed during year 64,802.98

1907.

Jan. 1—Balance in the fund\$ 56,767.36

HIRE OF STATE CONVICTS FUND.

1906.

Jan. 1—Balance as per report\$ 6,193.46

Dec. 31—Receipts during the year 245,647.94

\$251,841.40

Dec. 31—Disbursed during year..... 185,601.89

1907.

Jan. 1—Balance in the fund\$ 66,239.51

INDIAN WAR CLAIMS FUND.

Jan. 1—Balance as per report.....\$ 25,000.00

Dec. 31—No receipts.

Dec. 31—No disbursements.

1907.

Jan. 1—Balance in the fund\$ 25,000.00

PRINCIPAL OF STATE SCHOOL FUND.

1906.

Jan. 1—Balance as per report\$ 441.26

Dec. 31—Receipts during year 83,359.27

\$ 83,800.53

Dec. 31—Purchase of bonds during year 76,863.26

1907.

Jan. 1—Balance in the fund.....\$ 6,937.27

INTEREST OF STATE SCHOOL FUND.

1906.

Jan. 1—Balance as per report.....\$ 16,898.87

Dec. 31—Receipts during year..... 34,536.00

\$ 51,434.87

Dec. 31—Disbursed during year..... 33,645.20

1907.

Jan. 1—Balance in the fund.....\$ 17,789.67

PRINCIPAL OF SEMINARY FUND.

1906.

Jan. 1—Receipts during year.....\$ 15,927.73

Dec. 31—Purchase of bonds during year..... 15,000.00

1907.

Jan. 1—Balance in the fund.....\$ 927.73

INTEREST OF SEMINARY FUND.

1906.		
Jan. 1—Balance as per report	\$	3,963.00
Dec. 31—Receipts during year		3,999.00
	\$	7,962.00
Dec. 31—Disbursed during year.....		6,954.15
1907.		
Jan. 1—Balance in the fund	\$	1,007.85

AGRICULTURAL COLLEGE FUND.

1906.		
Jan. 1—Balance as per report.....	\$	1,027.11
Dec. 31—Receipts during year.....		7,710.00
	\$	8,737.11
Dec. 31—Disbursed during year		6,201.79
1907.		
Jan. 1—Balance in the fund	\$	2,535.32

HATCH EXPERIMENT STATION FUND.

1906.		
Jan. 1—Balance as per report.....	\$	2,210.51
Dec. 31—Received from U. S. Govt. during year		15,000.00
	\$	17,210.51
Dec. 31—Disbursed during year.....		16,282.51
1907.		
Jan. 1—Balance in the fund.....	\$	928.00

ADAMS EXPERIMENT STATION FUND.

1906.		
Jan. 1—Receipts during year (from U. S. Govt.)	\$	8,498.11
Dec. 31—Disbursed during year.....		4,643.42
1907.		
Jan. 1—Balance in the fund	\$	3,854.69

WHITE COLLEGE MORRILL FUND.

1906.		
Jan. 1—Balance as per report.....	\$	7,990.37
Dec. 31—Receipts from U. S. Govt. during year		12,500.00
	\$	20,490.37

Dec. 31—Disbursed during year	11,363.94
1907.	
Jan. 1—Balance in the fund.....\$	9,126.43

EXPERIMENT STATION INCIDENTAL FUND.

1906.	
Jan. 1—Balance as per report.....\$	301.88
Dec. 31—Receipts during year.....	383.26
	\$ 685.14
Dec. 31—Disbursed during year.....	545.49
1907.	
Jan. 1—Balance in the fund.....\$	139.65

UNIVERSITY INCIDENTAL FUND.

1906.	
Jan. 1—Balance as per report.....\$	704.09
Dec. 31—Receipts during year.....	310.50
	\$ 1,014.59
Dec. 31—Disbursed during year	1,013.33
1907.	
Jan. 1—Balance in the fund.....\$	1.26

UNIVERSITY OF FLORIDA, GAINESVILLE DONATION FUND.

1906.	
Jan. 1—Balance as per report.....\$	40,222.22
1907.	
Dec. 31—Receipts during year.....	737.70
	\$ 40,959.92
Dec. 31—Disbursed during year.....	40,959.92

FLORIDA FEMALE COLLEGE INCIDENTAL FUND.

1906.	
Jan. 1—Balance as per report	\$ 1,088.25
Dec. 31—Receipts during year.....	5,385.00
	\$ 6,473.25
Dec. 31—Disbursed during year	4,179.51
1907.	
Jan. 1—Balance in the fund.....\$	2,293.74

FLORIDA AGRICULTURAL INSTITUTE FUND.

1906.

Jan. 1—Balance as per report.....\$ 3,963.85
No receipts.

Jan. 30—By order of the State Board of Education, the balance remaining in this fund was transferred to the credit of Proceeds of College Property Fund\$ 3,963.85

BLIND, DEAF AND DUMB INCIDENTAL FUND.

1906.

Dec. 31—Receipts during the year \$ 105.31

Dec. 31—Disbursed during the year..... 105.31

COLORED COLLEGE MORRILL FUND.

1906.

Jan. 1—Balance as per report.....\$ 8,505.77

Dec. 31—Receipts during year..... 12,646.66

\$ 21,152.43

Dec. 31—Disbursed during year..... 12,132.67

1907.

Jan. 1—Balance in the fund.....\$ 9,019.76

COLORED NORMAL SCHOOL CONTINGENT FUND.

1906.

Jan. 1—Balance as per report.....\$ 174.22

Dec. 31—Receipts during year 5,807.48

\$ 5,981.70

Dec. 31—Disbursed during year..... 5,977.87

1907.

Jan. 1—Balance in the fund.....\$ 3.83

EDUCATIONAL FUND.

(SUMMARY.)

Under the provisions of Chapter 5384, Laws of Florida, approved June 5, 1905 (commonly known as the "Buckman Act"), warrants against the appropriations made by said act, for the uses specified therein, are drawn by the
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Comptroller, upon vouchers approved by the Board of Control, and are paid by the Treasurer from the General Revenue Fund, on account of the said appropriation made by Chapter 5834.

The amounts thus disbursed during 1906 were paid out on account of several institutions, as shown in detail on succeeding pages of this report, the aggregate amount disbursed from the Educational Fund on account of each institution being as follows:

Board of Control, expenses.....	\$ 2,628.60
University of Florida	20,977.00
Florida Female College	25,573.25
Institute for Blind, Deaf and Dumb.....	14,736.68
Colored Normal and Industrial School	3,554.36
University of Florida, New Buildings.....	38,603.70
University of Florida, Agricultural College (Interest Account).....	2,716.00
Florida State College (Old Accounts).....	322.31
South Florida Military College (Old Accounts)	10.60

Total disbursements from Educational Fund, 1906	\$109,122.50
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PROCEEDS OF COLLEGE PROPERTY FUND.

1906.

Jan. 1—Balance as per report.....	\$ 569.33
Dec. 31—Receipts during year.....	22,836.25

	\$ 23,405.58
Dec. 31—Disbursed during year.....	23,256.27

1907.

Jan. 1—Balance in the fund.....	\$ 149.31
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FLORIDA HOSPITAL FOR INSANE, FIRE LOSS FUND.

1906.

Jan. 1—Balance as per report.....	\$ 129.70
No receipts.	

June 12—Bill paid by order of Commissioners of State Institutions to E. W. Scarborough for Florida Cornice & Roofing Co., for balance of ac- count in fund	\$ 129.70
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STATEMENT OF BONDS IN EACH FUND.

STATE SCHOOL FUND BONDS.

1906.

Jan. 1—Florida 3 per cent. Refunding Bond of 1901.....	\$ 242,800.00
Jan. 1—Florida 3 per cent. Refunding Bond of 1903.....	125,367.00
Jan. 1—Tennessee 3 per cent. Bonds	300,700.00
Jan. 1—Virginia Century 3 per cent. Bonds	192,500.00
Jan. 1—North Carolina 4 per cent. Bonds.	76,000.00
Jan. 1—Alabama "A" 5 per cent. Bonds..	22,000.00
Jan. 1—Alabama "B" 5 per cent. Bonds..	34,000.00
Jan. 1—Alabama "C" 4 per cent. Bonds...	7,000.00
Jan. 1—Alabama "A" 5 per cent. Reg'd Bonds	3,000.00
Jan. 1—Tennessee 3 per cent. Reg'd Bonds	82,000.00
	<hr/>
	\$ 1,085,367.00

Deduct State of Alabama bonds matured and redeemed during the year 66,000.00

Purchased during the year—	\$ 1,019,367.00
Virginia Century 3 per cent. bonds.....	3,000.00
Tennessee 3 per cent. bonds	20,100.00
Tennessee 3 per cent. Reg'd bonds.....	10,000.00
Alabama "C" 3 1-2 per cent. renewal bonds	45,000.00
	<hr/>

Dec. 31—Bonds in the fund\$ 1,097,467.00

AGRICULTURAL COLLEGE FUND BONDS.

1906.

Jan. 1—Florida 3 per cent. Refunding bonds of 1901	\$ 3,900.00
Jan. 1—Florida 3 per cent. Refunding bonds of 1903	131,900.00
Jan. 1—North Carolina 6 per cent. bonds..	10,000.00
Jan 1—North Carolina 4 per cent bonds.....	8,000.00
	<hr/>

Dec. 31—Bonds in the fund.....\$153,800.00

1906.

SEMINARY FUND BONDS.

Jan. 1—Florida 3 per cent. Refunding bond of 1901	\$ 21,000.00
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Jan. 1—Florida 3 per cent. Refunding Bond of 1903	76,600.00
Jan. 1—Alabama "A" 5 per cent. Bonds....	15,000.00
Jan. 1—Virginia Century 3 per cent. Bonds..	7,500.00
Jan. 1—Tennessee 3 per cent. Bonds.....	2,200.00
Jan. 1—Tennessee 3 per cent. Reg'd Bond...	1,000.00
	<hr/>
	\$123,300.00
Deduct State of Alabama bonds matured and redeemed during the year	15,000.00
	<hr/>
	\$108,300.00
Purchased during the year—	
Alabama "C" 3 1-2 per cent. Reg'd Renewal Bonds	15,000.00
	<hr/>
Dec. 31—Bonds in the fund	\$123,300.00

BONDED DEBT OF THE STATE.

THREE PER CENT. REFUNDING BONDS OF 1901.

Amount 3 per cent. bonds issued in 1901, in exchange for 7 per cent. bonds of 1871, under Chapter 4947	\$267,700.00
One to Agricultural College Fund for	\$ 3,900.00
One to East and West Florida Seminary Fund	21,000.00
One to State School Fund	242,800.00
	<hr/>
	\$267,700.00

THREE PER CENT. REFUNDING BONDS OF 1903.

Amount 3 per cent. bonds issued in 1903 in exchange for 6 per cent. bonds of 1873, under Chapter 4947	\$333,867.00
One to Agricultural College Fund	\$131,900.00

One to East and West Florida Seminary Fund	76,600.00	
One to State School Fund	125,367.00	
	<hr/>	<hr/>
	\$333,867.00	
Total bonded debt of the State Jan. 1, 1907.....		\$601,567.00

TREASURY DEPARTMENT, STATE OF FLORIDA,
COMPTROLLER'S OFFICE,
TALLAHASSEE, FLA., January 2, 1907.

I, A. C. Croom, Comptroller of the State of Florida, do hereby certify that William V. Knott, State Treasurer, deposited with me all vouchers for payments made by him as such Treasurer, for the quarters ending March 31st, June 30th, September 30th and December 31st, 1906, inclusive, as required by Section 130 of the General Statutes of the State of Florida, and that his account has been duly credited with the amounts thereof.

In witness whereof, I have hereunto affixed my official signature and seal of office this the 2d day of January, A. D. 1907.

(SEAL.)

A. C. CROOM,
Comptroller of the State of Florida.

TALLAHASSEE, FLORIDA, February 14, 1907.

I, Ernest Amos, State Auditor of the State of Florida, do hereby certify that, beginning at the close of business December 31st, 1906, I made an examination of the office of State Treasurer. He had on hand and on deposit to his credit as State Treasurer, moneys and cash items amounting to \$515,667.65, including \$4,380.57 drainage tax; bonds in the Agricultural College Fund, \$153,800.00; bonds in the Seminary Fund, \$123,300.00; bonds in the State School Fund, \$1,097,467.00; bonds to secure deposits in banks, \$534,000.00.

My examination of the office for the years 1905 and 1906 shows said amounts to be correct.

ERNEST AMOS,
State Auditor.

APPENDIX A.

LIST OF BONDS OWNED BY THE STATE SCHOOL FUND.

Funded debt of Virginia coupon (Virginia Century) Bonds. Issued under act approved February 20, 1892, dated July 1, 1891, due July 1, 1991, as follows:

One hundred and fifty-three (153) of said bonds, each of the denomination of one thousand dollars (\$1,000.00), and numbered, respectively, as follows:

659, 660, 752, 1849, 1850, 1980, 1981, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2190, 2347, 2348, 2903, 2998, 2999, 3000, 3071, 3327, 3328, 3331, 3569, 3836, 4029, 4030, 4860, 4861, 5160, 5557, 5558, 5559, 5560, 5561, 5562, 5586, 5587, 5594, 5595, 5596, 5597, 5598, 5599, 5600, 5601, 5602, 5603, 5604, 5605, 5606, 6113, 6114, 6115, 6116, 6117, 6321, 6742, 6994, 6995, 7154, 7155, 7318, 7319, 7492, 7910, 7992, 7993, 7994, 8237, 8238, 8239, 8240, 8241, 8242, 8243, 8244, 8245, 8246, 8421, 8422, 8423, 8424, 8425, 8426, 8427, 8456, 8457, 8458, 8459, 8460, 8461, 9235, 9472, 9475, 9476, 9489, 9490, 9491, 9492, 9780, 9783, 9952, 10087, 10088, 10345, 10426, 12428, 12484, 12722, 12723, 12724, 12725, 12726, 13268, 13269, 13270, 13271, 13272, 13912, 13943, 13957, 13971, 13972, 13973, 13974, 13975, 14762, 14765, 14793, 14794, 14795, 14796, 14797, 14798, 14799, 14800, 14801, 14802.

Eighty-five (85) of said bonds, each of the denomination of five hundred dollars (\$500.00), and numbered, respectively, as follows:

17, 257, 281, 395, 509, 973, 1001, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1117, 1118, 1124, 1228, 1613, 2112, 2478, 2479, 2705, 2707, 2708, 2887, 2889, 2890, 3095, 3335, 3568, 3569, 3570, 3571, 4101, 4102, 4165, 4349, 4350, 4351, 4352, 4436, 4439, 4475, 4757, 4772, 5395, 5541, 5542, 5624, 5625, 6085, 6637, 6834, 6924,

6956, 6994, 6995, 7009, 7010, 7011, 7031, 7035, 7036, 7056, 7124, 7131, 7147, 7285.

Settlement bonds of the State of Tennessee. Issued by authority of an act of the General Assembly approved March 20th, 1883, dated July 1, 1883, due July 1, 1913; interest three per cent., payable January 1st and July 1st, as follows:

Two hundred and ninety-nine (299) of said bonds, each of the denomination of one thousand dollars (\$1,000.00). and numbered, respectively, as follows:

61, 132, 133, 262, 274, 326, 327, 435, 506, 511, 565, 843, 1270, 1324, 1329, 1488, 1489, 1490, 1624, 1667, 1697, 1721, 2118, 2211, 2273, 2318, 2341, 2343, 2372, 2427, 2472, 2473, 2577, 2578, 2604, 2605, 2606, 2607, 2646, 2807, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3281, 3282, 3283, 3284, 3285, 3293, 3435, 3516, 3529, 3583, 3613, 3778, 3779, 3780, 3891, 3896, 3897, 3898, 3954, 4342, 4343, 4344, 4378, 4697, 4784, 4791, 5265, 5266, 5309, 5314, 5401, 5410, 5681, 5682, 5711, 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5924, 6004, 6005, 6006, 6091, 6554, 6555, 6556, 6557, 6558, 6660, 6697, 6783, 6784, 6840, 6841, 6842, 6843, 6844, 6845, 6846, 6847, 6875, 7096, 7147, 7218, 7219, 7220, 7319, 7320, 7334, 7351, 7483, 7579, 7580, 7581, 7582, 7583, 7898, 7899, 7907, 8008, 8009, 8010, 8011, 8012, 8013, 8014, 8015, 8016, 8017, 8018, 8019, 8020, 8046, 8047, 8048, 8049, 8050, 8051, 8066, 8193, 8195, 8359, 8623, 8652, 8710, 8731, 8795, 8796, 8933, 8948, 8985, 8986, 8987, 8988, 8989, 8990, 8991, 8992, 9129, 9132, 9133, 9134, 9135, 9473, 9474, 9624, 9718, 9854, 9857, 9948, 9950, 9970, 10254, 10306, 10307, 10308, 10309, 10347, 10373, 10374, 10390, 10442, 10443, 10444, 10445, 10446, 10448, 10449, 10450, 10451, 10554, 10656, 10675, 10717, 10718, 10719, 10720, 10721, 10722, 10723, 10744, 10746, 10749, 10762, 10763, 10764, 10765, 10766, 10767, 10768, 10769, 10770, 10772, 10775, 10776, 11029, 11072, 11073, 11074, 11075, 11076, 11078, 11216, 11305, 11544, 11581, 11582, 11583, 11584, 11585, 11599, 11718, 11760, 11761, 11843, 11844, 11922, 11923, 11940, 11941, 12188, 12441, 12442, 12452, 12453, 12454, 12455, 12456, 12845, 12895, 12897, 12898, 12906, 12908, 12911, 12912, 12913, 12914, 12915, 12968, 13080, 13081, 13082, 13083, 13084, 13130, 13131, 13137,

13138, 13139, 13210, 13211, 13212, 13213, 13214, 13269, 13273, 13278, 13279.

Two hundred and eighteen (218) of said bonds, each of the denomination of one hundred dollars (\$100.00), and numbered, respectively, as follows:

17, 18, 111, 112, 114, 156, 157, 159, 166, 227, 228, 229, 230, 231, 232, 306, 312, 317, 340, 343, 345, 346, 347, 348, 362, 398, 460, 474, 504, 514, 551, 581, 582, 671, 689, 691, 692, 775, 776, 781, 809, 918, 919, 928, 948, 949, 950, 951, 952, 962, 963, 964, 965, 966, 967, 968, 977, 1015, 1031, 1032, 1038, 1060, 1124, 1125, 1126, 1127, 1129, 1135, 1163, 1207, 1208, 1210, 1211, 1219, 1283, 1329, 1358, 1359, 1362, 1363, 1364, 1365, 1388, 1409, 1448, 1457, 1458, 1514, 1536, 1568, 1621, 1626, 1662, 1721, 1734, 1735, 1878, 1945, 1956, 1959, 1983, 2003, 2007, 2008, 2011, 2013, 2026, 2041, 2042, 2043, 2044, 2045, 2050, 2081, 2111, 2119, 2129, 2154, 2156, 2164, 2178, 2192, 2218, 2244, 2257, 2259, 2260, 2261, 2262, 2263, 2273, 2274, 2303, 2304, 2326, 2328, 2331, 2347, 2359, 2360, 2361, 2362, 2365, 2367, 2371, 2375, 2379, 2391, 2392, 2406, 2490, 2532, 2536, 2537, 2566, 2568, 2578, 2582, 2600, 2637, 2639, 2670, 2671, 2676, 2709, 2710, 2759, 2887, 2926, 2943, 2970, 2972, 2980, 2981, 2982, 2989, 2996, 3032, 3038, 3159, 3169, 3200, 3207, 3265, 3291, 3349, 3391, 3509, 3510, 3511, 3512, 3531, 3532, 3533, 3653, 3672, 3682, 3712, 3713, 3714, 3715, 3716, 3717, 3859, 3870, 3888, 3890, 3899, 3901, 3915, 4003, 4111, 4113, 4150, 4288, 4437, 4448, 4515.

State of Tennessee Registered Settlement Bonds, Series B. Issued in pursuance of and under the act of the General Assembly of the State of Tennessee, approved April 30th, 1897, due July 1, 1913; interest three per cent., payable January 1st and July 1st, as follows.

Seven (7) of said bonds, each of the denomination of ten thousand dollars (\$10,000.00), and numbered, respectively, as follows:

A1007, A1008, A1011, A1012, A1030, A1031, A1068.

Four (4) of said bonds, each of the denomination of five thousand dollars (\$5,000.00), and numbered, respectively, as follows:

B187, B191, B193, and B200.

Two (2) of said bonds, each of the denomination of one thousand dollars (\$1,000.00), and numbered, respectively, as follows:

C235 and B236.

State of Alabama Registered Bonds, Renewal Class C. Issued in accordance with the provisions of an act of the State of Alabama, approved February 16th, 1899, due January 1, 1956; interest $3\frac{1}{2}$ per cent., payable January 1st and July 1st, as follows:

Forty-five (45) of said bonds, each of the denomination of one thousand dollars (\$1,000.00), and numbered, respectively, as follows:

124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167 and 168.

State of North Carolina Consolidated Debt Bonds. Issued in pursuance of an act of the State of North Carolina, ratified March 4th, 1879, dated July 1, 1880, due July 1910; interest four per cent, payable January and July, as follows:

Twenty (20) of said bonds, each of the denomination of one thousand dollars (\$1,000.00), and numbered, respectively, as follows:

4, 166, 167, 818, 820, 1032, 1406, 1548, 1549, 1642, 1689, 1707, 1754, 1769, 2165, 2166, 2167, 2168, 2270 and 2493.

Nine (9) of said bonds, each of the denomination of five hundred dollars (\$500.00), and numbered, respectively, as follows:

35, 333, 494, 680, 681, 789, 880, 882 and 893.

Five (5) of said bonds, each of the denomination of one

hundred dollars (\$100.00), and numbered, respectively, as follows:

143, 442, 443, 929 and 1302.

Twenty (20) of said bonds, each of the denomination of fifty dollars (\$50.00) and numbered, respectively, as follows:

10, 58, 78, 287, 309, 866, 867, 890, 891, 892, 893, 894, 895, 896, 910, 911, 912, 913, 914 and 915.

State of North Carolina 4 per cent. Coupon Bonds. Issued in pursuance of an act of the State of North Carolina, ratified March 9th, 1903, dated January 1, 1903, due January 1, 1913, interest payable January 1st and July 1st, as follows:

Fifty (50) of said bonds, each of the denomination of one thousand dollars (\$1,000.00), and numbered, respectively, as follows:

211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259 and 260.

One State of Florida Refunding three per cent. Manuscript Bond, in the sum of two hundred and forty-two thousand eight hundred dollars (\$242,800.00), issued under Chapter 4947, Acts of 1901, dated November 26th, 1901, due January 1, 1951, interest payable January 1st and July 1st.

One State of Florida Refunding three per cent. Manuscript Bond, in the sum of one hundred and twenty-five thousand three hundred and sixty-seven dollars (\$125,367.00), issued under Chapter 4947, Acts of 1901, dated December 26, 1903, due January 1, 1953, interest payable January 1st and July 1st.

LIST OF BONDS OWNED BY THE SEMINARY
FUND.

Funded debt of Virginia coupon (Virginia Century) Bonds. Issued under Act approved February 20, 1892, dated January 1, 1891, due July 1, 1991, interest 3 per cent., payable January 1st and July 1st, as follows:

Six (6) of said bonds, each of the denomination of One Thousand Dollars (\$1,000.00) and numbered, respectively, as follows:

702, 1017, 1827, 1828, 12727 and 12728.

Three (3) of said bonds, each of the denomination of Five Hundred Dollars (\$500.00), and numbered, respectively, as follows:

1079, 1080 and 1081.

Settlement Bonds of the State of Tennessee. Issued by Authority of an Act of the General Assembly approved March 20th, 1883, dated July 1, 1883, due July 1, 1913, interest 3 per cent, payable January 1st and July 1st, as follows:

One (1) of said bonds, numbered 4817, of the denomination of One Thousand Dollars.

Twelve (12) of said bonds, each of the denomination of One Hundred Dollars (\$100.00), and numbered, respectively, as follows:

1659, 1875, 1876, 1877, 4516, 4517, 4518, 4519, 4520, 4521, 4522 and 4523.

One State of Tennessee three per cent registered settlement Bond, Series B, in the sum of One Thousand Dollars (\$1,000.00), numbered C240, dated December 15, 1905, due July 1, 1913, interest payable January 1st and July 1st.

State of Alabama registered Bonds, renewal Class C, issued in accordance with the provisions of an Act of

the State of Alabama approved February 16th, 1899, due January 1st, 1956, interest 3 1-2 per cent., payable January 1st and July 1st, as follows:

Fifteen (15) of said bonds, each of the denomination of One Thousand (\$1,000.00), and numbered, respectively, as follows:

169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182 and 183.

One State of Florida refunding three per cent. Manuscript Bond, in the sum of Twenty-One Thousand Dollars (\$21,000.00) issued under Chapter 4947, Acts of 1901, dated November 26th, 1901, due January 1, 1951, interest payable January 1st and July 1st.

One State of Florida refunding three per cent Manuscript Bond, in the sum of Seventy-Six Thousand Six Hundred Dollars (\$76,600.00), issued under Chapter 4947, Acts of 1901, dated December 26th, 1903, due January 1, 1953, interest payable January 1st and July 1st.

LIST OF BONDS OWNED BY THE AGRICULTURAL COLLEGE FUND.

State of North Carolina 6 per cent renewal debt coupon Bonds, issued in pursuance of an Act of the State of North Carolina ratified March 14th, 1879, dated April 1, 1879, due April 1, 1919, interest payable April and October, as follows:

Ten (10) of said Bonds, each of the denomination of One Thousand Dollars (\$1,000.00) and numbered, respectively, as follows:

1532, 1533, 1534, 1639, 1640, 1641, 1642, 1643, 1644 and 1645.

State of North Carolina 4 per cent. consolidated debt Coupon Bonds, issued in pursuance of an Act of the State of North Carolina ratified March 4th, 1879, dated

July 1, 1880, due July 1, 1910, interest payable January and July, as follows:

Eight (8) of said bonds, each of the denomination of One Thousand Dollars (\$1,000.00), and numbered, respectively, as follows:

171, 172, 173, 358, 1016, 1078, 1662 and 2062.

One State of Florida refunding three per cent. Manuscript Bond, in the sum of three thousand nine hundred dollars (\$3,900.00), issued under Chapter 4947, Acts of 1901, dated November 26th, 1901, due January 1, 1951, interest payable January 1st and July 1st.

One State of Florida refunding three per cent. Manuscript Bond, in the sum of one hundred and thirty-one thousand nine hundred dollars (\$131,900.00), issued under Chapter 4947, Acts of 1901, dated December 26th, 1903, due January 1, 1953, interest payable January 1st and July 1st.

APPENDIX B.

DRAINAGE TAX FUND.

Receipts by W. V. Knott, Treasurer Board of Drainage Commissioners, under Chapter 5377, Laws of Florida, approved May 27th, 1905.

RECEIPTS.

Received from R. I. O. Travers, Tax Collector Lee County:

Dec. 6, 1905—Receipt No. 1.....	\$ 13.00
Feb. 5, 1906—Receipt No. 8.....	27.45
Mar. 6, 1906—Receipt No. 14.....	45.15
Apr. 7, 1906—Receipt No. 20.....	93.75
Aug. 11, 1906—Receipt No. 25.....	.95

Total receipts from Lee County..... \$ 180.30

Received from G. E. Dutton, Tax Collector St. Lucie County:

Dec. 6, 1905—Receipt No. 2.....	\$ 2.65
Jan. 5, 1906—Receipt No. 5.....	28.39
Feb. 2, 1906—Receipt No. 7.....	142.99
Mar. 2, 1906—Receipt No. 13.....	100.26
Apr. 6, 1906—Receipt No. 18.....	506.58
May 5, 1906—Receipt No. 22.....	696.56

Total receipts from St. Lucie County. \$1,477.43

Received from W. C. Langford, Tax Collector DeSoto County:

Dec. 12, 1905—Receipt No. 3.....	\$ 7.20
Jan. 5, 1906—Receipt No. 4.....	77.50
Feb. 9, 1906—Receipt No. 10.....	250.25
Mar. 9, 1906—Receipt No. 16.....	162.35
Apr. 6, 1906—Receipt No. 19.....	275.75
May 12, 1906—Receipt No. 24.....	59.75

Total receipts from DeSoto County.. \$ 832.80

Received from T. N. Gautier, Tax Col-

lector Dade County:

Jan. 10, 1906—Receipt No. 6.....	856.60
Feb. 6, 1906—Receipt No. 11.....	56.75
Mar. 10, 1906—Receipt No. 17.....	273.34
Apr. 13, 1906—Receipt No. 21.....	425.23
May 8, 1906—Receipt No. 23.....	114.00
Oct. 26, 1906—Receipt No. 27.....	70.35

Total receipts from Dade County....	\$1,796.27
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Received from W. B. Makinson, Tax	
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Collector Osceola County:

Feb. 6, 1906—Receipt No. 9.....	\$ 85.77
Mar. 2, 1906—Receipt No. 12.....	2.00
Mar. 7, 1906—Receipt No. 15.....	4.00
Oct. 16, 1906—Receipt No. 26.....	2.00

Total receipts from Osceola County..	\$ 93.77
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Total receipts in the fund.....	\$4,380.57
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DISBURSEMENTS.

No disbursements.

At a meeting of the Board of Drainage Commissioners of the State of Florida, held on the 22nd day of January, 1907, all members being present, the following resolution was offered and unanimously adopted:

WHEREAS, The Attorney General of Florida, in a communication to the Comptroller, dated January 14, 1907, has stated, as his official opinion, that the money collected under Chapter 5377, Acts of 1905, constitutes a public fund within the meaning of Section 24 of Article IV of the Constitution of the State of Florida, which requires the Treasurer to receive and keep all funds, bonds and other securities; and

WHEREAS, William V. Knott was, on the 15th day of June, 1905, designated and elected by the Board of Drainage Commissioners, of the State of Florida to be Treasurer of said Board, to receive and to keep all money col-

lected under said Chapter 5377, Acts of 1905; and the said William V. Knott has since said designation and election as Treasurer of said Board received and kept all such money, and now holds same by virtue of such designation and election;

IT IS NOW, THEREFORE, ORDERED, By the Board of Drainage Commissioners of the State of Florida, that, in view of the aforesaid opinion of the Attorney General of Florida, the said William V. Knott, as Treasurer of said Board of Drainage Commissioners, is hereby authorized and directed to transfer and pay over to the State Treasurer of the State of Florida any and all money heretofore or hereafter received by him as Treasurer of said Board.

Following is a copy of the communication from the Attorney General, referred to in the foregoing resolution and order of the Board of Drainage Commissioners:

STATE OF FLORIDA,
OFFICE OF THE ATTORNEY GENERAL,
Tallahassee, January 14, 1907.

Hon. A. C. Croom, Comptroller, Tallahassee, Fla.

Dear Sir: I am in receipt of your letter of recent date asking if, in my opinion, bills accruing from the enforcement of the provisions of Chapter 5377 of the Acts of 1905, where suits were brought to restrain the collection of the tax levied by virtue of the statute, may be paid from the appropriation for "expenses of collection of revenue," and if all and each and every expense attendant upon the levy and collection of this tax should be paid from the appropriation above named. You also request me to advise you if the vouchers for such payment should have the approval of the Board of Drainage Commissioners, and whether by the signature and attestation of the chairman or by the signature of each individual member of the Board.

Chapter 5377 of the Laws of 1905 is an Act in Relation to the Drainage and Reclamation of the Swamp and Overflowed Lands in Florida. It creates a Board of Drainage Commissioners, vests it with certain powers and prescribes certain duties. Among other things, it directs the Board of Drainage Commissioners to lay out drainage

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districts in the State of Florida, and to levy on the alluvial or swamp and overflowed taxable lands within such drainage districts a tax not exceeding ten cents per acre per annum to be fixed annually by the Board of Drainage Commissioners.

The Act provides that the amount so levied "shall be collected by the various Tax Collectors of the counties wherein such levies have been made as other taxes are collected in accordance with law."

That the fund provided for by that act is a public fund and created for a public purpose, is in my judgment unquestionable. It has been held by the courts, that the Legislature has the power to compel local improvements which in its judgment will promote the health of the people and advance the public good. The reclamation of vast bodies of swamp and overflowed lands, such as exist in this State, is generally regarded as a public improvement of great magnitude and of the utmost importance to the country. Several States have treated the reclamation of swamp and overflowed lands as a public question, and have enacted laws providing for the raising of revenue for that purpose. Chapter 5377 is a general act of the Legislature providing for the raising of a fund to be expended in the work of draining the swamp and overflowed lands of this State, and I therefore think that the money collected under this act constitutes a public fund within the meaning of the constitutional provision, which requires the Treasurer to receive and keep all funds, bonds and other securities, etc., Section 24 of Article IV, of the Constitution.

The fund intended to be raised by the Chapter to which reference is above made is raised by the exercise of the taxing power of the State, and the fund so created is intended to be devoted to the accomplishment of a certain work, which is of general and public utility; I, therefore, regard the expense incident to the collection of the tax as a proper charge against the appropriation for the expenses of collecting revenue.

As to the matter of auditing and approving the bills which may be rendered for the expense incurred in collecting the tax provided for by the above named Act, I think that the statutes make it the duty of the Comptroller of the State to examine, audit and settle all such accounts, claims and demands against the State.

I think that the Board of Drainage Commissioners have

no power, nor does the act seek to make it the duty of the Board, to audit and approve bills which may be rendered for expenses incurred in the collection of the aforementioned tax, further than the expense incident to the preparation of the lists of the alluvial or swamp and overflowed taxable lands which may lie within the drainage districts which may be established.

Yours very truly,

(Signed)

W. H. ELLIS,
Attorney General.

The moneys above recited, aggregating the sum of four thousand three hundred and eighty dollars and fifty-seven cents (\$4,380.57); were paid into the Treasury of the State of Florida to the credit of the "Drainage Tax Fund," January 24, 1907, under the foregoing resolution and order of the Board of Drainage Commissioners of Florida, adopted January 22, 1907, a separate Treasury receipt being taken for the amount received from each County which receipts are numbered as follows: For amount from Lee County, Receipt No. 429; St. Lucie County, Receipt No. 430; DeSoto County, Receipt No. 431; Dade County, Receipt No. 432; Osceola County, Receipt No. 433—all dated January 24, 1907.

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